

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36504 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- KUTUMBA District- Aurangabad

1. Jagdish Ram son of Late Bhola Ram village -Erka Colony, Amba, Ps- Kutumba, District -Aurangabad,
 2. Pappu Kumar @ Pappu Ram son of Jagdish Ram village -Erka Colony, Amba, Ps- Kutumba, District -Aurangabad,
 3. Yaswant Kumar @ Jaswant Ram son of Jagdish Ram village -Erka Colony, Amba, Ps- Kutumba, District -Aurangabad,
 4. Neeraj Kumar @ Niraj Kumar @ Niraj Ram @ Neeraj Ram son of Jagdish Ram village -Erka Colony, Amba, Ps- Kutumba, District -Aurangabad,
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners seek regular bail in connection with Kutumba P.S. Case No.34 of 2025 lodged on 26.02.2025, for the offence punishable under Sections 103, 238, 61(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against six named accused persons (including the present petitioners) and 1-2 unknown persons. It has been alleged in the FIR that on 23.02.2025, the informant's son went outside to eat snacks, but did not returned back and thereafter, informant's side started searching him. On 26.02.2025, the villagers informed the



informant about the dead body of his son which was found near a play ground and his throat was slit. It has been alleged in the FIR that accused persons who are resident of same village have threatened the informant's side for bad consequences and also threatened to kill the family members. It has been further alleged that under a deep rooted conspiracy, the informant's son has been killed.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the petitioner no.1 is the father of petitioner nos.2, 3 and 4. Learned counsel submits that the informant and the petitioners are residents of the same village and are well acquainted with each other. A family dispute was ongoing due to a love affair between the informant's son, namely Sujit Paswan with the grand daughter of petitioner no.1. The allegations levelled against the petitioners are absolutely vague, as any alleged act, if at all, would have been directed against Sujit Paswan alone and not against his brother. Counsel further submits that in the entire case diary, no material has come against the present petitioners. He submits that, so far as petitioner no.3 is concerned, he was scheduled to appear in an examination on the date of the alleged occurrence, and his



examination centre was in Patna. In support thereof, counsel has annexed Annexure-P/2 which is the Admit Card dated 23.02.2025 of petitioner no.3.

5. Learned counsel for the petitioners further submits that save and except suspicion, there is nothing against petitioners in the present case. Counsel further submits that the petitioners have no criminal antecedent and they are in custody since 28.02.2025. Counsel further submits that one of the co-accused has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 25.06.2025 passed in Cr. Misc. No.38936 of 2025.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that on previous occasion, case diary as well as post-mortem report has been called for. Counsel submits that post-mortem report and confessional statement of the co-accused is there.

7. Learned counsel appearing for the informant vehemently opposes the prayer for bail and submits that although the case was initially lodged on the basis of suspicion, the suspicion has been confirmed during the course of investigation, as the co-accused has confessed and disclosed the entire *modus operandi* of the crime.



8. After hearing the parties and going through the documents particularly the confessional statement, it transpires to this Court that there is some material available against the petitioners except petitioner no.3 who has attached his Admit Card as Annexure-P/2 in which examination was on 23.02.2025.

9. As such, in the present facts and circumstances of this case, let the petitioner no.3 namely, Yaswant Kumar @ Jaswant Ram be granted bail, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of S.D.J.M., Aurangabad in connection with Kutumba P.S. Case No.34 of 2025, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023.

10. So far as petitioner no.1 namely, Jagdish Ram, petitioner no.2 namely, Pappu Kumar @ Pappu Ram and petitioner no.4 namely, Neeraj Kumar @ Niraj Kumar @ Niraj Ram @ Neeraj Ram are concerned, this Court is not inclined to grant bail to them. Accordingly, the prayer for regular bail of the petitioner nos.1, 2 & 4 are hereby rejected.

(Dr. Anshuman, J)

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