

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39883 of 2025

Arising Out of PS. Case No.-114 Year-2016 Thana- GHORASAHAN District- East
Champaran

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1. Brajesh Kumar Sinha, aged about 45 years, Male, Son of Ramesh Chandra Sinha, Resident of village- Bagaha Dipahi, P.S.-Ghorasahan, District- East Champaran.
 2. Devesh Kumar, aged about 38 years Male, Son of Ramesh Chandra Sinha, Resident of village- Bagaha Dipahi, P.S.- Ghorasahan, District- East Champaran.
 3. Hiranman Thakur, aged about 45 years, Male, Son of Khedu Thakur, Resident of village- Bagaha Dipahi, P.S.- Ghorasahan, District-East Champaran.
 4. Bipin Kumar Pandey @ Bipin Kumar Kushwaha, aged about 39 years, Male, Son of Bhavesha Nand Pandey, Resident of village- Bagaha Dipahi, P.S.- Ghorasahan, District- East Champaran.
 5. Surendra Prasad @ Surendra Mahato, aged about 49 years, Male, Son of Acchelal Mahto, Resident of village- Kawaiya, P.S.-Jharaukhar, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection
with Ghorasahan P.S. Case No. 114 of 2016 instituted for the
offences punishable under Sections 363 and 364 of the Indian



Penal Code and subsequently Sections 302, 201 and 120B was also added.

3. As per the prosecution case, it is a case of murder of the informant's nephew by the accused persons.

4. Learned counsel for the petitioners submits that petitioners are innocent, have committed no offence and have falsely been implicated in this case only on the basis of suspicion. He submits that petitioners are not named in the FIR and nothing incriminating articles have been recovered from their conscious possession and their names have been figured in this case only on the basis of confessional statement of co-accused Vivek Kumar Kushwaha. Petitioner no. 1 has been made accused in one more case. Petitioner nos. 2 to 5 have got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for anticipatory bail of the petitioners.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, East Champaran, Motihari dated 25.04.2025, it appears that on the basis of written report of the informant Ajay Prasad, FIR has been lodged under Sections 363 and 364 of the Indian Penal Code against one named accused persons Vivek Kumar Kushwaha @ Hanuman Kumar.



Petitioners are not named in the FIR and their name figured in this case only on the basis of confessional statement of co-accused Vivek Kumar Kushwaha @ Hanuman Kumar during course of the investigation. On conclusion of the investigation, police submitted final form 'not sent up' for trial in favour of the petitioners as stated in para 10 of the petition but the learned Magistrate deferred the opinion of the Investigating Officer and taking cognizance against them and issuing process under Section 104 of the Cr.P.C. It also appears that the named accused Vivek Kumar Kushwaha @ Hanuman Kumar has been granted bail by the learned trial Court in Sessions Trial No. 980 of 2016 vide order dated 14.03.2019 (Annexure-4) of this petition and similarly situated four accused persons, namely, Sikandar Prasad @ Sikandar Prasad Kushwaha, Kameshwar Mahto, Aditya Kumar @ Aditya Kumar Sinha and Puja Devi have been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 78596 of 2018 vide order dated 10.01.2019, so considering all these aspects of the matter, I am inclined to grant anticipatory bail to the above named petitioners.

7. Let the above named four petitioners be released on anticipatory bail, in the event of their arrest or surrender before the Court below within a period of six weeks from today,



upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No.114 of 2016, subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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