

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38518 of 2025

Arising Out of PS. Case No.-333 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Dinesh Kumar @ Dinesh Singh S/O Jaisri Ram Singh, Resident of Village-Jamin Mathia, P.S -Minapur, District Muzaffarpur.
2. Krishna Kunal @ Krishna Kunal Singh, S/o Dinesh Kumar Resident of Village-Jamin Mathia, P.S-Minapur, District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv.
For the Opposite Party/s	:	Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Ms. Preety Kunwar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-09-2025 Heard learned Advocate for the petitioners, learned Advocate for the informant and learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Saraiya P.S. Case No.333 of 2023 registered for the offences punishable under Sections 302 and 120B/34 of the Indian Penal Code.

3. The informant alleges that his elder brother was involved in sand loading. On the fateful day, the informant saw his brother in front of the house of one co-accused Shobit Paswan along with three others from where he came to know the name of the petitioners. At around 12 noon, the informant got information that all the accused persons after administering



intoxicant to his brother committed assault on him. When he reached at the door of Moti Rai, he found his elder brother dead. Suspicion has been raised that it is the petitioners along with others, who caused death of his elder brother.

4. Learned Advocate for the petitioners contended that even as per the narrations made in the FIR, it is only alleged against petitioner no.1 that he is the friend of the deceased's owner Dilip Rai and further it is alleged that petitioner no.2 along with two other persons were consuming liquor with the deceased. Save and except the aforesaid fact, there is no eyewitness to the occurrence that the petitioners are the persons, who had assaulted the deceased. The police, during the course of investigation, on being found no material against the petitioners submitted charge-sheet on 15.05.2024 and did not send up the petitioners for trial. However, differing with the final report, the learned Jurisdiction Court took cognizance for the offence alleged in the FIR on 22.12.2024; hence, the apprehension of arrest has arisen and the present application is filed. Petitioner no.1 is a Postal Assistant and now working as Assistant Post Master in Head Post Office, Muzaffarpur whereas petitioner no.2 is said to have been working in Wipro Company. It is also contended that on the date of alleged occurrence, both the



petitioners were not present nearby the place of occurrence as is evident from the call details of the petitioners. Petitioner no.1 bears no criminal antecedent whereas petitioner no.2 is one criminal antecedent, which is under investigation.

5. On the other hand, learned Advocate for the State and the learned Advocate for the informant vehemently opposed the bail application and submitted that it is a case of last seen, wherein petitioner no.2 was seen sitting with the deceased, while they were consuming liquor with others and later on the dead body of the elder brother of the informant was found. The postmortem report also suggests that the deceased was subjected to assault and prior to the occurrence, he had disclosed the name of both the petitioners.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that after having found no material, the police has submitted final form showing the petitioners as innocent but differing with the police report, the learned Jurisdictional Court took cognizance for the offences alleged in the FIR, coupled with the materials collected during the course of investigation, which suggest that the petitioners were not present at the place of occurrence as per the tower location of their mobiles, besides



the fact that there is no eyewitness to the alleged occurrence, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, West Muzaffarpur in connection with Saraiya P.S. Case No.333 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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