

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38531 of 2025

Arising out of PS. Case No.-208 Year-2024 Thana- THAWE District- Gopalganj

Suraj Patel S/o Kanhaiya Patel @ Kanhaiya Prasad R/o Village- Rajwahi
Kaloni, Lakhpatiya More, Sareya Ward No. 3, P.S.- Nagar, District-
Gopalganj..

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the
offences under Sections 140, 103(1) and 61(2) of BNS, 2023.
He has no criminal antecedent.

3. As per the allegation in the FIR, it is stated that the
petitioner called the husband of the informant along with him,
however, he did not return and despite her efforts to locate she
could not find her husband, hence, FIR was lodged.

4. Learned counsel for the petitioner submits that the
petitioner though has been named in the FIR, however, there is
no specific allegation levelled against the petitioner and from
the perusal of the case diary during the course of the



investigation several persons were apprehended and from their confessional statement it would be evident that they had stated that it was on account of overdose of smack the husband of the informant had died. It is further submitted that even if this statement is taken into account it would appear that there was no allegation against the petitioner. It is also submitted that from the perusal of the post-mortem report, Doctor could not find any external injury, however, that was on account of petrification of the body and as far as the viscera report of the deceased is concerned, the same was initially not sent for examination and after interference of Superintendent of Police, Gopalganj, the same was sent for forensic examination on 19.07.2025. It is next submitted that similarly situated co-accused persons namely Guddu Kumar and Mani Pandey have been granted bail by a Co-ordinate Bench of this Court *vide* order dated 01.08.2025 passed in Cr. Misc. No. 20672 of 2025. It is lastly submitted that the petitioner has no criminal antecedent and he is in custody since 20.09.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner was last seen with the husband of the informant as such he should not be released on bail.



6. Considering the aforesaid submissions of learned counsel and taking into account the fact that it was on mere suspicion the name of the petitioner has been incorporated and as of now no material has come forward to connect the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-I, Gopalganj in connection with Thawe P.S. Case No. 208 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent



of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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