

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38936 of 2025

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

Avdhesh Ram S/o Late Sita Ram Vill.- Erka Colony, Amba, PS- Kutumba,
Distt.- 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. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

02. In the present case, the petitioner seeks bail in connection with Kutumba P.S. Case No. 34 of 2025 registered for the alleged offences under Sections 103, 238, 61(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the dead body of the minor son of the informant was found near a play ground and his throat was slit. The informant showed his suspicion that due to lover affair of his another son, Sujit Paswan, with the granddaughter of co-accused Jagdish Ram, the petitioner and other co-accused persons murdered his son.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Although the date of occurrence is stated to be 23.02.2025, but the FIR has been lodged on 26.02.2025 and there is no explanation for the delay. Only on suspicion without any tangible material, the petitioner has been made accused in this case. The petitioner is aged about 80 years and he is not in a position even to walk properly, still his name has been added in the FIR. During investigation, no one supported the prosecution case against the petitioner and even in confessional statement of co-accused, Neeraj Ram, there is no allegation against this petitioner. The petitioner has been dragged in this case as he is the next door neighbour/agnate of co-accused Jagdish Ram. The petitioner is having clean antecedent and he is in custody since 30.03.2025. Charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner along with other co-accused have been named in the FIR for the murder of the minor son of the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague nature of allegation against the petitioner and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the



petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Aurangabad in connection with Kutumba P.S. Case No. 34 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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