

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39942 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- KALYANPUR District- Samastipur

Md. Irshad S/o Abdul Samad Resident of Chak Mahsi, PO and PS- Chak Mahsi, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shah Nawaz Ali, Adv.

For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 103(i)/190 of the BNS, 2023.

3. The allegation in the FIR is that the son of the informant Bittu Kumar did not return home and in the next morning, it was informed that his dead body was lying near the pond next to High School.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR as an accused and the same has been lodged only against one Krishan Kumar along with some unknown persons. The name of the petitioner has subsequently transpired during the course of investigation in



the confessional statement of co-accused Krishan Kumar and no direct and concrete evidence is available against the petitioner to establish his complicity in the present case. It further transpires from the case diary that the deceased also was a notorious criminal and hence, there is all possibility that he has been done to death on account of a gang-war. It is further submitted that two other similarly co-accused persons have already been granted the privilege of anticipatory bail vide order dated 09.07.2025 passed in Cr. Misc. No. 42046 of 2025 and Cr. Misc. No. 42054 of 2025. It is also submitted that the case of the petitioner is also similar to those accused persons who have been granted the privilege of anticipatory bail as according to the report from some spy, they were also seen along with the petitioner in the company of the deceased. So far as the tower location of the petitioner is concerned, it has been submitted that the petitioner is also a resident of the same village and hence, his tower location has been found near the place of occurrence. It is lastly submitted that the petitioner is earning by way of tuition and he has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.



6. Considering the fact that similarly situated co-accused have been granted the privilege of anticipatory bail, maintaining the parity and judicial discipline, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kalyanpur P.S. Case No. 215 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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