

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41011 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- Nagara District- Saran

1. Sity Kumar @ Radha Mohan S/O Prem Sah R/O Mohalla- Bara Telpa, PS- Chapra Town, Distt- Saran at Chapra
2. Pankaj Kumar S/O Prem Sah R/O Mohalla- Bara Telpa, PS- Chapra Town, Distt- Saran at Chapra
3. Baga Sah @ Manmohan Kumar S/O Prem Sah R/O Mohalla- Bara Telpa, PS- Chapra Town, Distt- Saran at Chapra
4. Dewa Sah S/O Prabhu Sah R/O Mohalla- Bara Telpa, PS- Chapra Town, Distt- Saran at Chapra
5. Dhanrawati Devi @ Chandrawati Devi W/O Prem Sah R/O Mohalla- Bara Telpa, PS- Chapra Town, Distt- Saran at Chapra
6. Prem Sah S/O Late Bali Ram Sah R/O Mohalla- Bara Telpa, PS- Chapra Town, Distt- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 03-09-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Chapra Town P.S. Case No. 09 of 2025 for the offence under sections 103(1), 238, 3(5) of the BNS lodged on 08.01.2025 by the informant.

3. Prosecution case in brief is that on 01-01-2025, a quarrel between the son of the informant and petitioners took place wherein the informant was threatened of dire consequences by the petitioners. On 05.01.2025, the son of the informant left his home but did not return back and his dead body was found on 07.01.2025 in a well. The informant has further alleged that he has got strong apprehension that his son has been murdered by these petitioners. Accordingly, the FIR.



4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case only on the basis of suspicion and they have not committed any offence as alleged. It has next been submitted that there is no eyewitness to the said occurrence and no any complaint whatsoever has been lodged by the informant for the said quarrel which took place on 01.01.2025. Learned counsel for the petitioner also submits that the victim was a drunkard and the possibility of falling in the well cannot be ruled out. Further, the viscera report which is said to be preserved to be sent for medical examination has not yet been received.

5. On the other hand, learned APP vehemently opposes the prayer for anticipatory bail of the petitioner submitting that the apprehension of strong suspicion of the informant cannot be ruled out as they were given threatening of dire consequences just a couple days ago. As such, the petitioners do not deserve the privilege of anticipatory bail.

6. Considering the aforesaid submissions of the parties and the fact that on the basis of suspicion only, the petitioners seem to have been implicated in this case, there is no eyewitness to the said occurrence and they have got no criminal antecedents, this Court is inclined to extend them the privilege of anticipatory bail.



7. Let all the petitioners, above named, be released on bail, in the event of arrest or surrender within a period of four weeks, from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with aforesaid PS Case, subject to the conditions as laid down Section 482(2) of the BNSS, 2023 as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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