

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40423 of 2025

Arising Out of PS. Case No.-448 Year-2023 Thana- NOORSARAI District- Nalanda

1. Dharmendra Kumar S/o- Mahendra Yadav Village- Chandasi, P.S.- Noorsarai, District- Nalanda.
2. Shailendra Gop @ Shailendra Yadav @ Shoulesh Yadav S/o- Tullu Yadav Village- Chandasi, P.S.- Noorsarai, District- Nalanda.
3. Chandradip Yadav @ Patangi Yadav S/o- Durga Yadav Village- Chandasi, P.S.- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Adv
		Mr. Jitendra Kumar, Adv
For the State	:	Mr. Arun Kumar, APP
For the Informant		Mr. Ravi Bhushan, Adv

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioners, learned counsel for the Informant and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 365 of the Indian Penal Code.

3. As per the FIR, the informant Dhiraj Kumar stated that in the night one Sudhir Yadav called his mother, Babita Devi on telephone for sprinkling water in the field and since then his mother did not return at home. The informant searched his mother but she was traceless. The FIR has been lodged against accused Sudhir Kumar.



4. Learned counsel for the petitioners submits that the petitioners are not named in the FIR and the name of the petitioners have been surfaced on the basis of confessional statement of co-accused Sonu Kumar as stated in paragraph no. 33 of the case diary. The only allegation against the petitioners is that they have assisted in disposing of the dead body of the deceased. There is inordinate delay in lodging the FIR. It is submitted that neither any specific overt act has been attributed against these petitioners nor any incriminating material has been collected during course of investigation. The petitioners have clean antecedent and the main accused is in custody since 23.07.2024.

5. Learned APP for the State vehemently opposed the prayer for anticipatory bail

6. Considering the aforementioned facts and circumstances of the case, as there is no specific overt act against these petitioners, let the above named petitioners, be released on bail, in the event of their arrest/ surrender within a period of six weeks from today, on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Noorsarai P.S. Case No. 448 of 2023



subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition:-

(i) On 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 their 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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