

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44970 of 2025

Arising Out of PS. Case No.-71 Year-2001 Thana- PUNPUN District- Patna

Shambhu Sao @ Shambhu Nath Gupta @ Shumbhu Sao S/o Sagar Sao R/o
vill - Sheikhpura, Nandlalabad, P.S.- Gaurichak, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 15-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302 and 201/34 of the Indian Penal Code.

3. The case of the prosecution in short is that on 07.12.2001 at about 07:00 hrs, the petitioner along with others assaulted the son of the informant by fists and slaps and also by rod for levelling false allegation of committing theft against them. Scuffle between the son of the informant and accused persons including the petitioner took place and since then the son of the informant is traceless after taking money of informant from bank. It is further alleged that on 17.12.2001 dead body of son of the informant was found in Jalkumbhi.



4. Learned counsel for the petitioner has submitted that in this case after investigation police has submitted final form on the basis of the material collected during investigation. It has been submitted that during investigation it has come that the petitioner died due to drowning in influence of intoxication. Learned counsel for the petitioner has further submitted that if the allegation is taken to be true, then also there is only allegation of assaulting the deceased with slaps and fists. Learned counsel has further submitted that the trial court has taken cognizance, as such bail bond was cancelled. Learned counsel for the petitioner has submitted that cognizance order is not a material for consideration of bail and only materials which are collected during investigation has to be considered while considering bail. Learned counsel for the petitioner has submitted that the petitioner is a man of clean antecedent and is in judicial custody since 18.04.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer of bail to the petitioner.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with



G.R. No. 445 of 2001 arising out of Punpun (Gaurichak) P.S.
Case No. 71 of 2001 on furnishing bail bond of Rs.10,000/-
(Ten Thousand) with two sureties of the like amount each to the
satisfaction of learned Sub-Divisional Judicial Magistrate,
Masaurhi.

(Ashok Kumar Pandey, J)

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