

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52019 of 2025

Arising Out of PS. Case No.-263 Year-2023 Thana- PARSA District- Saran

1. Shailesh Kumar son of Bigan Rai village- Parsauna, Ps- Parsa, Dist- Saran at Chapra
2. Vikash Kumar Son of Samvu Rai village- Parsauna, Ps- Parsa, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2025 Heard Mr. Krishna Kumar Yadav, learned counsel for the petitioners and Mr. Rajendra Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Parsa P.S. Case No. 263 of 2023, F.I.R. dated 17.08.2023 for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. According to prosecution case, on 15.08.2023, informant's son went to his maternal uncle's village. On 16.08.2023, on Khushi Kumari informed the informant's niece that that the petitioners along with other co-accused persons have killed his son and hidden the dead body in village pond.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. It appears from the FIR itself that informant is not the eye witness of the alleged occurrence and the present FIR has been instituted on the basis of information received from one Khushi Kumari. From bare perusal of the FIR it appears that there is no specific allegation against the petitioners rather the allegation levelled against all the accused persons including the petitioners are general and omnibus and similarly situated co-accused persons, namely, Sukesh Rai @ Sukesh Kumar and Dashrath Rai @ Dashrath @ Dashrash have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court vide order dated 05.08.2025 in Cr. Misc. No. 263 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is no specific allegation against the petitioners and similarly situated co-accused persons have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XII, Saran,



Chapra in connection with Parsa P.S. Case No. 263 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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