

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53470 of 2025

Arising Out of PS. Case No.-33 Year-2025 Thana- HARSIDHI District- East Champaran

1. Vikash Kumar @ Vikash Sah S/o- Panalal Sah @ Panalal Prasad R/o Village- Gobindpur, P.S.- Harsidhi, District- East Champaran
2. Om Prakash Kumar @ Om Prakash Sah S/o- Sonalal Sah @ Sonalal Prasad Village- Gobindpur, P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-09-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 103, 238 and 3(5) of the BNS.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are young boys aged about 18 and 19 years and are sons of Panalal Sah @ Panalal Prasad and Sonalal Sah @ Sonalal Prasad. Learned counsel further submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that her son Lav Kush Kumar had gone outside for doing work and since then he was missing, hence, a search was made but Lav Kush Kumar was not located and on 14.01.2025, at about 02:00 p.m., the informant



heard *hulla* that dead body of Lav Kush Kumar was found lying near a canal. Accordingly, the informant went to the place of occurrence and identified the dead body of her son, thereafter, the police came and the dead body was taken for postmortem. Further, the informant based on suspicion alleges that nine named accused persons were involved in the occurrence.

4. Learned counsel for the petitioners submits that petitioners are not named in the FIR and petitioners are own cousin and during the course of investigation, the spy informed the police that father of petitioner no. 1, namely, Panalal Sah was having an illicit relationship with one Reema Devi, who was neighbour of Lav Kush Kumar, as such, Panalal Sah used to visit Reema Devi crossing the house of Lav Kush Kumar and Lav Kush Kumar used to object the visit of Panalal Sah to the house of Reema Devi on account of which at times quarrel took place in between Panalal Sah and Lav Kush Kumar along with his family members. It is further submitted that based on the information provided by the spy, the police called Reema Devi to the police station for investigation and Reema Devi before the police accepted her relationship with Panalal Sah and disclosed that she had met Panalal Sah, his brother Sonalal Sah and the petitioners on the way and Panalal Sah disclosed that from now onward Lav Kush Kumar will not create any problem. It is next submitted that



Reema Devi was not arrested but based on her statement the police is chasing the petitioners. It is also submitted that statement of Reema Devi stands recorded at para 14 of the case diary but then from perusal of the same, it would manifest that the same is vague as she does not disclose the date on which she met the accused persons including the petitioners when Panalal Sah disclosed that Lav Kush Kumar would not create any further problem. It is submitted that petitioner no. 1 is son of Panalal Sah and petitioner no. 2 is his own cousin, as such, it is submitted that it absolutely does not stand to reason as to why petitioners would have killed Lav Kush Kumar who was objecting his father illicit relationship with Reema Devi. It is further submitted that the entire allegation hinges around suspicion and during the course of investigation, the police did not find any eyewitness to the occurrence. It is next submitted that petitioners are young boys and if in the nature of allegation as alleged in the FIR, they are sent to custody their entire career would get jeopardized and chances are bright that they may come in contact with the hardened criminals. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned



counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Harsidhi P.S. Case No. 33 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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