

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54400 of 2025

Arising Out of PS. Case No.-753 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

Abhishek Kumar, S/o Raj Kishor Prasad, Vill.- Sirsa Khap, PS- Motihari
Muffasil, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sangeet Deokuliar, Adv.
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, Adv.
For the Informant	:	Mr. Shashank Shekhar, Adv.
		Mr. Utsav Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-10-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Sessions Trial No. 494 of
2024 arising out of Motihari Muffasil P.S. Case No. 753 of
2023/G.R. Case No. 6660 of 2023 registered for the offence
punishable under Sections 302/34 of the Indian Penal Code.

3. This is the second attempt made on behalf of the
petitioner as earlier the prayer for bail of the petitioner was
turned down by this Court in Criminal Miscellaneous No. 33418
of 2024 vide order dated 31.07.2024 taking into consideration
the allegation levelled in the FIR that it is the petitioner who has



inflicted repeated knife blow to the father of the informant and this fact has also been corroborated in the statement of one Jaimangal Prasad, in whose house the occurrence took place.

4. Mr. Sangeet Deokuliar, learned Advocate appearing on behalf of the petitioner submitted that though the informant has alleged that it is the petitioner who has inflicted the knife blow, but he was not an eye witness to the alleged occurrence and moreover, the witness Jaimangal Prasad, in whose house the alleged occurrence took place, has not been produced as a prosecution witness. He further submits that during the course of trial, the witnesses namely Anand Kumar @ Anand Mohan and Panna Devi, who are none else, but the son of the informant and the wife of the deceased were examined, but none of them have stated that it is the petitioner who has inflicted the knife blow, rather, they in sum and substance not supported the prosecution case in true sense. He further submits that now the petitioner has been incarcerated since 22.11.2023 having fair antecedent and till date, none of the witnesses have supported the prosecution case.

5. The informant *suo moto* appeared through Mr. Utsav Kumar, learned Advocate. It is submitted that the prosecution is clear to the extent that it is the petitioner who has



given repeated blow of knife, leading to death of the father of the informant, which fact has also been corroborated by the post mortem report. However, he submitted that now the trial is at the advanced stage and the informant has also been examined. On a request made by learned Advocate for the petitioner, he had produced the copy of the deposition of informant, namely Jitendra Prasad. Having gone through the deposition, this Court also finds that he has also not supported the prosecution case to the extent that it is the petitioner, who has inflicted knife blow. The deposition clearly suggest that by the time he reached at the place of occurrence, none of the accused persons were present.

6. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that since the prayer for bail of the petitioner had already been negated earlier, there is no cogent and overwhelming circumstances to review the earlier order.

7. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the deposition of the prosecution witnesses as also of the informant, the copy of which has been produced before this Court and kept on record; and also the fact that said Jaimangal Prasad has been withheld by the prosecution and not allowed to



depose, this Court finds substance in the submission of learned Advocate for the petitioner, accordingly the prayer for bail of the petitioner stands allowed, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 4th, East Champaran, Motihari in connection with Motihari Muffasil P.S. Case No. 753 of 2023/G.R. Case No. 6660 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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