

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64223 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- PUPRI District- Sitamarhi

Mukesh Sah @ Mukesh Kumar S/O Late Shankar Sah Residents of village-
Bajitpur, P.S.- Pupri, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-09-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 103 and
3(5) of the BNS, 2023.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his son along with accused Manoj had gone to the
house of the petitioner for doing some work on 23.04.2025 at
06:00 AM, further in between 03:00-03:30 PM, the family
members of the petitioner brought the dead body of his son by a
four wheeler and thereafter left, thus, alleges that petitioner
along with Manoj and unknown accused killed his son.

4. Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the instant case by the informant, it is next submitted that informant is not an eye witness to the occurrence. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that deceased along with Manoj had gone to the house of the petitioner for doing some work. It is next submitted that the deceased was engaged along with Manoj in a construction work and he fell while performing his duty, on account of which he died. It is also submitted that it absolutely does not stand to reason that as to why the petitioner would have killed the deceased when he was aware that his family members know that the deceased had come to his house for performing work. It is also submitted that had the petitioner been involved in the occurrence, in that event his family members would not have brought the dead body of the victim to the house of the informant rather efforts would have been made to dispose of the dead body with a view to conceal evidence. It is also submitted that the FIR does not disclose any motive rather the entire allegation hinges around suspicion.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that no doubt the informant is not an eye witness to the occurrence, but then the



postmortem report of the deceased as recorded in the order impugned records death on account of shock and haemorrhage leading to CR failure on account of head injury caused by hard and blunt substance. It is submitted that it appears that deceased was assaulted leading to death, on which the learned counsel appearing on behalf of the petitioner submits that investigating is going on and the petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is also reiterated and submitted that there was absolutely no motive for the petitioner to commit the occurrence, but then the victim while doing his work fell from a height leading to death.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 25,000/- (Rupees Twenty Five Thousand) 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 Pupri P.S. Case No. 140 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. However, it is made clear that in the event if the



Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall lose its effect.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

10. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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