

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66557 of 2025

Arising Out of PS. Case No.-525 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Santosh Kumar S/o Shankar Bhagat R/o Village- Bhikhanpur, P.S.- Ahiyapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Rina Sinha

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-11-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial No. 624/2025 arising out of Ahiyapur P.S. Case No. 525/2024 dated 18.04.2024 registered for the offences punishable u/ss 147, 148, 149, 324, 326, 307 and 302 of the Indian Penal Code.

3. As per the prosecution case, on 17-04-2024, when the informant was at his home one Baiju Bhagat and Shankar Bhagat installed Thressor Machine in front of the informant house. On being objected by the informant, both the persons started threatening the informant but with the intervention of the local person the matter was pacified and further on 18-04-2024, the petitioner and the co-accused persons armed with lathi and sword



came to the house of the informant and started abusing and assaulting the informant, in the meantime, the petitioner Santosh Kumar assaulted Sashi Krishan with a sword on the neck but somehow he escaped and sustained injury on his shoulder. It is further alleged that the other accused persons also assaulted him. When the brother of the informant and Sanju Devi came to rescue, they were also assaulted by the accused persons. Further, when the son of the informant was lying severely injured on road, the co-accused Suraj Kumar crushed him with tractor (chariot). Thereafter, the informant's son was taken to hospital where he was declared dead and others were treated at S.K.M.C.H., Muzaffarpur.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has submitted that the allegation against the petitioner is of assaulting on the shoulder of the deceased. There is no specific allegation against the petitioner rather the specific allegation is against the co-accused, Suraj Kumar. The co-accused person has already been granted regular bail by this court vide order dated 10.07.2025 passed in Cr. Misc. No. 28309/2025. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.05.2025.



5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. As per the post-mortem report, the cause of death is due to haemorrhage and shock caused by hard and blunt substance.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in connection with Ahiyapur P.S. Case No. 525/2024, with the condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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