

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66657 of 2025

Arising Out of PS. Case No.-539 Year-2023 Thana- KOILWAR District- Bhojpur

1. Shailesh Shah, Son of Ganesh Shah @ Ganesh Sah, (Wrongly Mentioned in Impugned Order As 32 Years), Resident of Village - Aapi, P.S.- Dighawara, District- Saran (Bihar).
2. Karan Sah @ Karan Kumar, Son of Shailesh Shah, Resident of Village - Aapi, P.S.- Dighawara, District - Saran (Bihar).
3. Arjun Sah @ Arjun Kumar, Son of Shailesh Shah, Resident of Village - Aapi, P.S.- Dighawara, District - Saran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-09-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Koilwar (Gidha) P.S. Case No. 539 of 2023 registered for the offences punishable under Sections 302/201 of the Indian Penal Code.

3. Allegedly the informant received an information on 04.09.2023 by the police officer that his nephew has been done to death and his dead body has been thrown in the campus of industrial area Digha. On the aforesaid information, the informant rushed to the place of occurrence and found the dead body of his nephew. It is further alleged that on 01.09.2023 his



nephew had gone with the petitioners and others to work in cement factory and later on it is suspected that he has been killed by the petitioners and others and his dead body has been thrown near the water tanki.

4. Learned Advocate for the petitioners submitted that only on account of suspicion that four days ago the deceased nephew of the informant had gone to cement factory along with the petitioners, their names have been implicated. However, during the course of investigation, no materials have been collected. Two of the accused persons have put to trial in Sessions Trial No. 140 of 2024 and on being found no evidence vide judgment dated 03.01.2025, they have been acquitted by the 2nd Additional Sessions Judge, Bhojpur, Ara, the copy of which is placed on record as Annexure-2. The petitioners have nothing to do with the present occurrence and since the police had never chased them, hence the delay has occurred. Moreover, the petitioners are men of fair antecedent and undertake that they will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that because of the fact that the petitioners were evading their arrest, their trial has been bifurcated and proceeded against two of the



accused persons.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that save and except the suspicion, there is no cogent material showing the complicity of the petitioners in the crime, as also the fact that other two co-accused persons have been acquitted by the learned trial court, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on 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 learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar (Gidha) P.S. Case No. 539 of 2023, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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