

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72443 of 2025

Arising Out of PS. Case No.-120 Year-2014 Thana- KARAHGAR District- Rohtas

1. Kamlesh Singh S/o Ayodhya Singh Resident of village- Akorhi, PS- Karghar, District- Rohtas
2. Sunil Singh S/o Ayodhya Singh Resident of village- Akorhi, PS- Karghar, District- Rohtas
3. Ramji Singh S/o Ayodhya Singh Resident of village- Akorhi, PS- Karghar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Barial
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-11-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 324, 307, 302, 427, 436, 120B of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his grandson namely Sant Kumar, Om Prakash and Kush Kumar on 15.05.2014 were sleeping in his Baithka (drawing room) while his nephew Ram Daras Ram was



sleeping near his house. Further, at 2.30 A.M. on 16.05.2014, an accused woke up Ram Daras and brought him at his Baithka thereafter the said accused along with unknown assaulted his grandson by knife causing injury to son, Om Prakash, Ram Daras and Sonu, thereafter the accused put the Baithka on fire causing loss of articles worth Rs.52,000/-. Further, the injured were brought to the PHC where the doctor declared Sant dead and rest of the injured were referred to higher centre for better treatment thus alleges that unknown criminals committed the occurrence.

4. The learned counsel for the petitioners submits that FIR was against unknown. It is next submitted that during course of the investigation also the name of the petitioners did not transpire. It is further submitted that police after investigation submitted charge-sheet against other accused persons based on which, cognizance was taken. It is reiterated and submitted that petitioners were not charge-sheeted even, but then, during the course of Sessions Trial No.463 of 2015, the name of the petitioners transpired, accordingly notice under Section 319 f the Cr.P.C. was issued on 17.05.2019, but then, the notice was never received by the petitioners thereafter on 24.07.2025, non-bailable warrant of arrest was issued when



police started knocking the doors of the petitioners. It is submitted that petitioners were not evading the law nor their name transpired during the course of investigation, but in trial their name surfaced based on which notice under Section 319 Cr.P.C. was issued but the same never received by the petitioners or else they would have appeared and sought bail and all of a sudden, non-bailable warrant of arrest was issued, thus petitioners apprehend arrest. It is submitted that in the event, if privilege of anticipatory bail is granted to the petitioners the petitioners will not abscond rather will cooperate in the trial to prove their innocence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-II, Rohtas at Sasaram in connection with S.Tr. No.463 of 2015 arising out of Kargahar P.



S. Case No.120 of 2014, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that if the learned trial court comes to a conclusion that petitioners after their release are trying the delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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