

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.481 of 2025

Arising out of PS. Case No.-194 Year-2024 Thana- PIPRA District- East Champaran

1. Rajdhari Prasad, S/o Sitaram Sah, R/o Vill.- Kawalpur, P.S.- Turkauliya, Dist.- East Champaran.
2. Manish Kumar, S/o Ramdhari Prasad, R/o Vill.- Kawalpur, P.S.- Turkauliya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Pandey, Advocate
For the Informant	:	Mr. Shyameshwar Dayal, APP
For the State	:	Mr. Dharendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the state.

2. The petitioners seek bail in connection with Pipra P.S. Case No. 194 of 2024 instituted for the offences under Sections 103(1) and 3(5) of Bhartiya Nyay Sanhita and Section 27 of the Arms Act.

3. The prosecution story is to the effect that petitioners along with other family members connived together to kill one Ramayan Shah who happens to be the own brother-in-law of the petitioner no. 1 and maternal uncle of petitioner no. 2. The allegation is that the accused persons have committed the



murder of the husband of the informant.

4. It has been submitted by learned counsel for the petitioners that petitioner no. 1 who happens to be the brother-in-law of the deceased while petitioner no. 2 is the nephew (Bhagina of the deceased) and they have been implicated in the present case on the premise that they were trying to take over the property at Kathmandu in Nepal and due to said dispute the petitioners had been implicated in this case. It has been further submitted by learned counsel for the petitioners that there is no specific allegation against the petitioners and even taking into account the statement of the witnesses during the course of investigation, it appears that the sons of petitioner no. 1 namely Suraj Kumar and Om Prakash were instrumental in hiring the criminals to kill the said Ramayan Shah. It is also submitted by learned counsel for the petitioners that from the various statements of the witnesses and also confessional statement of Om Prakash and one other co-accused Raja Babu it would be clear that the planning to kill and to hire the criminals, to eliminate the said Ramayan Shah, was done by one Suraj Kumar in connivance with his brother Om Prakash while in the said statements neither the name of petitioner no. 1 nor the name of the petitioner no. 2 has surfaced. It is next submitted by learned



counsel for the petitioners that non-FIR named accused persons namely Diwakar Kumar @ Ravi *vide* order dated 07.02.2025 passed in Cr. Misc. No. 393 of 2025 and Rahul @ Rahul Kumar @ Ravi Kumar, *vide* order dated 07.02.2025 passed in Cr. Misc. No. 497 of 2025 has been granted anticipatory bail and Raja Babu *vide* order dated 28.02.2025 passed in Cr. Misc. No. 12370 of 2025 has been granted regular bail by a Co-ordinate Bench of this Court. It is also submitted that the FIR named accused namely Shila Devi has also been granted anticipatory bail *vide* order dated 17.12.2024 passed in Cr. Misc. No. 86377 of 2024. It is lastly submitted by learned counsel for the petitioners that petitioners are having no criminal antecedent and they are in custody since 31.07.2024.

5. Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioners and has stated that the present petitioners, in conspiracy with the other co-accused persons, have killed their relative Ramayan Shah for the property at Kathmandu in Nepal. Learned counsel for the Informant has also pointed out that from the statement of the witnesses it is also clear that all the accused persons in the present case were in connivance and they had all planned together to eliminate Ramayan Shah. Learned Additional Public Prosecutor for the State



supports the argument forwarded by learned counsel for the Informant and learned Additional Public Prosecutor for the State has suggested that there is sufficient material against the petitioner and even from the confessional statement it would be clear that the petitioners were involved in the alleged incident, as such, the petitioners should not be let off.

6. Considering the aforesaid submissions of respective counsels and taking into account the fact that during investigation it has come that the co-accused Suraj Kumar and Om Prakash were instrumental in making the plan to eliminate the said Ramayan Shah and they had also hired the criminals to kill the said Ramayan Shah as also the fact that the petitioners are having no criminal antecedent and they are in custody since 31.07.2024, the petitioners above named, are directed to 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 the learned Additional Chief Judicial Magistrate Sadar, East Champaran, Motihari in connection with Pipra P.S. Case No. 194 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners shall remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners shall be liable to be canceled by the Court concerned.

(iv) If during course of trial the petitioners after release on bail tries to threat or coerce the witnesses the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioners.

(Sourendra Pandey, J)

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