

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87205 of 2024

Arising Out of PS. Case No.-1234 Year-2023 Thana- MADHEPURA District- Madhepura

1. Santosh Kumar Sah @ Santosh Sah @ Santosh Gupta S/o- Sita Ram Sah Resident of village- Sakarpura PS- Madhepura Bharrahi OP District- Madhepura
2. Vinay Jha @ Bijay Kumar Jha @ Vijay Jha S/o- Late Buchchu Jha @ Dev Narayan Jha Resident of village- Sakarpura PS- Madhepura Bharrahi OP District-Madhepura
3. Ramu Jha @ Raman Kumar Jha S/o- Vinay Jha @ Bijay Kumar Jha @ Vijay Jha Resident of village- Sakarpura PS- Madhepura Bharrahi OP District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 18-07-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioners, as per the first information report, is that as many as 24 persons have committed the murder of the family members of the informant. The names of these petitioners are mentioned at serial nos.13, 14 and 17.



4. It is submitted by learned counsel for the petitioners that it would be evident from the first information report itself that there is general and omnibus allegation on 24 persons and the entire case rests on suspicion. There is no eye witness to the said occurrence and the informant was, admittedly, at Hyderabad at the relevant time. Hence, he is not the eye witness. Further, during course of investigation the statement of one Deepmala Kumari was recorded, who is said to have seen the occurrence, and named eight accused persons but, in her statement, the names of these petitioners does not feature. Further, another fact which weighs with these petitioners is that after the entire investigation these petitioners were not sent up and the case was not found true against them while the charge-sheet was submitted against some other accused persons. However, subsequently, differing with the said final report, cognizance has been taken against all the 24 accused persons including the present petitioners vide order dated 12.09.2024, as would be evident from the certified copy of the cognizance order made available by learned counsel for the petitioner. Hence, apprehension of arrest has arisen. Further, learned counsel for the petitioners has also pointed out that, vide Annexure-2 to the present application, two other accused



persons against whom later chargesheet has been submitted have been granted privilege of anticipatory bail. Learned counsel for the petitioners further pointed out that two other co-accused persons have also been granted privilege of anticipatory bail vide order dated 07.05.2025 passed in Cr. Misc. No.28804 of 2025.

- 5. Learned APP for the State opposed the prayer for bail.
- 6. Taking into consideration the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Madhepura (Bharrahi O.P.) P.S. Case No.1234 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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