

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2462 of 2026

Arising Out of PS. Case No.-408 Year-2025 Thana- BATHNAHA District- Sitamarhi

Baiju Kumar @ Baiju Kumar Das @ Baiju Kumar Son of Ganaur Das
Resident of Village - Bathnaha Tole Lakshmipur, P.S. - Bathnaha, District -
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-03-2026 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 137(2) of the
B.N.S..

3. The case of the prosecution, in brief, is that son of
the informant, who was a tempo driver, went missing in the
evening of 20.08.2025. When a call was made on his mobile
phone, his mobile was found switched off.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that petitioner is quite innocent and has
committed no offence. Petitioner is not named in the F.I.R. as
F.I.R. was lodged against unknown. During investigation, co-



accused Harikesh Kumar, Krishna and Naveen were arrested and they made their confessional statement and named this petitioner. It is further submitted that as per confessional statement of co-accused persons, all the accused persons, including this petitioner, killed the deceased by electrocution. However, the doctor who conducted the *post mortem* examination of the deceased has opined that the cause of death was due to hemorrhage and shock as a result of head injury. *Post mortem* depicts one *ante mortem* injury i.e. fracture of the frontal bone. Thus, *post mortem* report belies the so called confessional statement of co-accused persons on the basis of which this petitioner was made accused in this case. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, materials that have surfaced during investigation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within



a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi in connection with Bathnaha P.S. Case No. 408 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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