

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5350 of 2026

Arising Out of PS. Case No.-30 Year-2025 Thana- CHAKIA District- East Champaran

Samir Kumar @ Sameer Kumar @ Sameer Thakur Son of Sri Suresh Thakur
Resident of mohalla Officer's Colony Chakiya, Ward No.- 10, P.S.- Chakia,
District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Ms.Nirmala Kumari, APP
For the Informant : Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-04-2026 Heard Mr.Ajay Kumar Thakur, learned counsel for the

petitioner, learned counsel for the informant and Mr. Mritunjay
Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
24.09.2025 in connection with Chakia P.S. Case No.30 of
2025, F.I.R. dated 23.01.2025 registered for the offence
punishable under Sections 103(1),80,238,3(5) of BNS, 2023.

3. Allegation against the petitioner is that he
alongwith other co-accused persons in criminal conspiracy with
each other have committed murder of daughter of the informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. It appears from
the FIR that the date of occurrence as alleged in the FIR is



14.10.2024 but the present FIR has been instituted on 23.01.2025 after delay of more than three months without giving any explanation of delay. Learned counsel for the petitioner submits that from a bare perusal of the FIR it appears that the petitioner has informed the informant about the death of the deceased and they have come from Bishakhapatnam. Thereafter, in presence of the informant and her family members, the dead body of the deceased was cremated and the informant has filed the present case afterthought only to falsely implicated the petitioner and other family members and in fact the deceased has died due to hard attack and she has been referred to AIIMS, New Delhi and she has also been treated by Dr.Sanjay Kumar and as per allegation with respect to the petitioner wants to grab the LIC amount. Learned counsel for the petitioner submits that in fact the petitioner had already made several fixed deposits in the name of the deceased (Annexure-5 series), apart from the aforesaid, after the death of the deceased, the petitioner has fixed Rs. 10,00,000/- (Ten Lacs) each in the name of the children in post-office and SBI Life Policy of Rs. Thirty Lacs each in favour of the children. Learned counsel for the petitioner submits that earlier the petitioner moved before this Court for grant of anticipatory bail in



Cr.Misc. No. 40135 of 2025 but the same was dismissed vide order dated 03.09.2025. Thereafter, the petitioner has again moved before the Hon'ble Apex Court in Special Leave to Appeal (Crl) No. 14676 of 2025 but the same was dismissed. Thereafter, in compliance to the order of the Hon'ble Apex Court the petitioner has surrendered on 24.09.2025. Learned counsel for the petitioner further submits that nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and apart from the aforesaid, the marriage of the petitioner with the deceased took place on 29.11.2017 and between 2017 till death of the deceased, the informant has not made any complaint against the petitioner before any authority concerned.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is responsible for the present occurrence and further submits that if the deceased has died in the hospital why the Hospital has not issued the death certificate, apart from that, the learned counsel for the informant submits that the deceased has not been treated in the AIIMS, New Delhi.

6. Considering the aforesaid fact, petitioner has clean



antecedent, the FIR has been instituted after delay of more than three months, nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence, apart from that, the informant has participated in the last rites of the deceased and deceased had died due to Hard Attack, let the petitioner, above named, be released 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, East Champaran, Motihari in connection with Chakia P.S. Case No.30 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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