

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7903 of 2026

Arising Out of PS. Case No.-331 Year-2025 Thana- KHIJARSARAI District- Gaya

Buttu Sao @ Butta Sao @ Shailendra Sao, S/O Balchandra Sao @ Bal
Chandra Sao ,R/O Village- Saraiya Pirkha Saray, Police Station- Khizersarai,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Section 103(1) of the
BNS.

3. The case of the prosecution, in short, is that the
brother of the informant was killed by some unknown persons
and his dead body was concealed in hay house. When certain
persons entered there to hide from rain, they found the dead
body of the deceased and informed the informant. The
informant has named altogether six persons with 10 unknown
and has alleged that they have assaulted with *lathi, danda and*
rod.



4. Learned counsel for the petitioner submits that from perusal of the FIR itself it is clear that the dead body of the deceased was found in a hay house and the persons who have gone there to hide themselves from rain have disclosed that the dead body of the deceased was there. It has further been submitted that this fact goes to show that the informant is not the eye-witness. From perusal of the order of learned trial Court, it transpires that in postmortem report the doctor conducting autopsy of the deceased has found following antemortem injuries:-

(i) On occipital bone(back)-lacerated wound size 2' x 1 ½'' depressed Bone, (ii) Rt. Side of forehead-Abrasion present size 1''x 1'' and (iii) Right side of back, on back abrasion present o 3'' x 2''.

It has further been submitted that nature of allegation is general and omnibus. It has also been submitted that similarly situated co-accused Bhot Chaudhary has been granted bail by this Court vide Cr. Misc. No. 8443 of 2026. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 25.08.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Khizersarai P.S. Case No. 331 of 2025 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 First Class, Gaya.

(Ashok Kumar Pandey, J)

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