

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27070 of 2026

Arising Out of PS. Case No.-573 Year-2025 Thana- DARAUNDA District- Siwan

Tinku Sah Son of Hareram Sah Resident of Village - Rama Chhapra, P.S.-
Daraunda, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Irshad Ahmad Khan, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

4 20-07-2026 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Daraunda P.S. Case No. 573 of 2025, registered for the
offences punishable under Sections 103, 61(2), 3(5) of the BNS.

3. The prosecution case, in brief, is that the deceased,
Jay Prakash Kumar, allegedly left his house with the petitioner,
Tinku Sah, on a motorcycle on 27.11.2025 at about 03:00 P.M.
When the deceased did not return till late in the night, the
informant made inquiry from the petitioner and his father, who
expressed ignorance about his whereabouts. It is further alleged
that on the following morning, the petitioner stated that the
deceased had gone on motorcycle and when petitioner was
returning on foot saw abandoned motorcycle which he brought



it back. During search, one Ravindra Sah allegedly disclosed that the petitioner was seen along with the motorcycle and had sustained injuries, whereafter he was provided medical treatment and taken back home. Subsequently, the dead body of the deceased was recovered from near the water's edge. On the basis of the aforesaid circumstances, particularly the allegation of the deceased having last been seen in the company of the petitioner, it is alleged that he, along with the co-accused, committed the murder of the deceased in furtherance of a criminal conspiracy.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that there is no eye-witness to the occurrence except the informant. He has further submitted that the petitioner and the deceased had gone on a motorcycle and had met with an accident, consequent whereupon the deceased succumbed to his injuries and the petitioner also sustained injuries, for which he was treated by a doctor. Learned counsel for the petitioner has drawn the attention of this Court to paragraph nos. 44, 45, 48 and 49 of the case diary, wherein independent witnesses have stated that the petitioner and the deceased had proceeded on the motorcycle



and had met with an accident. He has also submitted that the petitioner is a person of clean antecedent and has been in judicial custody since 28.11.2025.

5. On the other hand, learned APP for the State has fairly pointed out paragraph nos. 35, 44, 45 and 48 of the case diary, stating that it appears to be a case of accident, as the independent witnesses have categorically stated regarding the accident involving the deceased. Learned APP has further referred to paragraph no. 35 of the case diary, wherein it has been mentioned that the petitioner had returned on the motorcycle after sustaining injuries. Lastly, learned APP has drawn the attention of this Court towards the post-mortem report, wherein, except the injury caused by a hard and heavy blunt object, no other injury has been found.

6. Taking into account the entire facts and circumstances of the case and the statement of the witnesses in several paragraphs of the case diary which speaks of the accident being the reason of the occurrence coupled with the fact that the petitioner has got a clean antecedent, let the petitioner above-named, is directed to furnish bail bond and on doing so, the court below shall release the petitioner on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the



like amount each to the satisfaction of learned ACJM-VI, Siwan in connection with Daraunda P.S. Case No. 573 of 2025, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any other case except the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall not be any delay in verifying the criminal antecedent of the petitioner.

(Raj Kumar, J)

Nirmal/-

U		T	
---	--	---	--

