

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29244 of 2026

Arising Out of PS. Case No.-254 Year-2018 Thana- KUDHNI District- Muzaffarpur

1. Surendra Singh Son of Late Nand kishore Singh Resident of Village- Fatahpur Atibal Rajla P.S -kudhani Dist -Muzaffarpur
2. Chhotu kumar @ Anajani Kumar Son of Surendra Singh Resident of Village- Fatahpur Atibal Rajla P.S -kudhani Dist -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prabhat, Advocate
For the Opposite Party/s	:	Ms. Gulnar Begum, APP
For the Informant	:	Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-06-2026 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 328 and 302 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of four cases, but then he was acquitted in all the cases, as such, as of date petitioner no. 1 does not have any antecedent and petitioner no. 2 has antecedent of one case, but then the said case was instituted after institution of the instant FIR. It is next submitted that the informant alleges



that her husband (Binod) on 26.05.2018 had gone to deposit the EMI of a loan at IndusInd Bank at Bhagwanpur, Rewa Road, but did not return till late in the night, further on 27.05.2018, the informant received an information at 05:00 AM, her husband was lying in an unconscious state near the railway line, accordingly, the informant reached the place of occurrence and her husband was taken to PHC, Kudhani from where he was referred to Muzaffarpur, thereafter to Maa Janki hospital where he died on 27.05.2018, thus, alleges that accused persons including the petitioners killed her husband on account of dispute relating to land.

4. Learned counsel for the petitioners submits from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eye witness to the occurrence. It is also submitted that the entire allegation hinges around suspicion. It is next submitted that informant specifically alleges that she received an information that a person was lying in an unconscious state near a railway line and when she reached there, she found her husband in an unconscious state. It is submitted that had petitioners been involved in the occurrence, in that event they would not have left the victim near a railway line in an unconscious state fearing that if the victim revives he



will disclose about the occurrence. It is also submitted that no doubt case is of the year 2013, but then investigation in the case till date is continuing. It is further submitted that during the course of investigation the statement of the witnesses were recorded at Paras-72 and 73 of the case diary wherein the witnesses have specifically stated that the accused persons including the petitioners have been falsely implicated in the instant case. It is next submitted that during the course of investigation, it also came at Para-74 of the case diary that the victim had gone to deposit the EMI of his car and from there, he accompanied some unknown person and it appears that they drugged him. It is further submitted that at Para-151 of the case diary which was recorded on 02.03.2025, it has been recorded that the previous Investigating Officer could not collect any evidence connecting the accused persons including the petitioners with the offence. It is next submitted that in the postmortem report, it was found that victim had consumed salphos, it is thus submitted that the police also investigated the case from the angle of occurrence being committed by the druggist gang which operates in the trains. It is next submitted that all of a sudden, a new officer came and directed the Investigating Officer to arrest the petitioners. It is reiterated and



submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion and if privilege of anticipatory bail is granted to the petitioners, the petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioners, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners, made based on the materials which were collected during the course of investigation, as recorded in the case diary.

6. After hearing the learned counsel for the parties, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kudhani P.S. Case No. 254 of 2018 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event if the



Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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