

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45155 of 2025

Arising Out of PS. Case No.-323 Year-2023 Thana- SITAMARHI District- Sitamarhi

Tempu Incharge Harender Sah Son of Ram Lakhan Sah R/O Village - Riga
Road, P.S.- Sitamarhi, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 26-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 323 of 2023 instituted for the offence
under Sections 302 & 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the FIR
named accused persons, including the petitioner and three-four
unidentified persons had taken away Raja Kumar (deceased),
who is friend of the son of the informant, from the house of
informant to the house of one of the co-accused, namely,
Nishant Singh @ Nischit Singh. It is further alleged that they
have brutally assaulted the deceased at the door of the said
Nishant Singh causing serious injuries to him. Thereafter, the



informant along with her son Mintu went to the house of co-accused, Nishant Singh and found Raja Kumar lying unconscious. Thereafter, the informant with her son taken him to the hospital, where the doctor declared him as dead.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.02.2025. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Arun Sah @ Arun Kumar. Learned counsel for the petitioner submits that there is no specific allegation against the petitioner, rather the same is general and omnibus in nature. Charge sheet has already been submitted in this case. Other co-accused has been granted bail by this Court vide order dated 05.03.2024, passed in Cr. Misc. No. 80805 of 2023.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, charge sheet



being submitted and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sitamarhi P.S. Case No. 323 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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