

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83640 of 2025

Arising Out of PS. Case No.-245 Year-2025 Thana- LAHERIYASARAI District- Darbhanga

Samresh Kumar S/O Dilip Kumar Deepak R/o Vill.- Bakua, P.S - Bheja,
District - Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Alias Ashok Karn, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-03-2026 Heard Mr. Ashok Kumar, learned counsel for the

petitioner and Mr. Arun Kumar Pandey, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
28.05.2025 in connection with Laheriasarai P.S. Case No. 245 of
2025 for the offences punishable under Sections 103(1) and 3(5)
of BNS.

3. The prosecution story, in brief, is that on 10-4-2025
at about 11.00 PM, the CICL Complaint about pain in his
stomach at which he was immediately taken to DMCH,
Darbhanga and he was again called by DMCH on 11-4-2025 for
his ultrasound. On 11-4-2025 while he was taken back from
DMCH, then the CICL, jumped out from the vehicle and tried to
escape but, somehow he was caught by the guard and taken



back to observation home. At about 6.30 PM the other inmates of the observation home told the officials present in the observation home that the aforesaid CICL felt unconscious. The CICL was immediately taken to DMCH, Darbhanga again, but he died. During the course of investigation, it came to the knowledge of the I.O. that the present petitioner along with other seven accused persons brutally assailed this CICL at which, he felt unconscious and died during his treatment.

4. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that from bare perusal of the FIR it appears that although the petitioner is named in the FIR but there is no specific allegation against the petitioner. It is next submitted that the allegations are general and omnibus in nature against all the accused persons including the petitioner and it appears from the FIR itself that no one has seen the occurrence. It is next submitted that there is no eye-witness to the occurrence in question and the petitioner has been made an accused in this case based on suspicion. It is further submitted that co-accused persons namely, Nitish Kumar @ Nitish Kumar Yadav and Deepak Yadav have been granted bail



vide order dated 23.02.2026 passed in Cr. Misc. No. 83714 of 2025 and Cr. Misc. No. 3312 of 2026 by a Coordinate Bench of this Court. It is next submitted that petitioner is remanded in the present case from Bheja P.S. Case No. 84 of 2023 on 28.05.2025.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR. Apart from aforesaid, the petitioner has antecedent of one case other than the present case but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that co-accused persons namely, Nitish Kumar @ Nitish Kumar Yadav and Deepak Yadav have been granted bail vide order dated 23.02.2026 passed in Cr. Misc. No. 83714 of 2025 and Cr. Misc. No. 3312 of 2026 by a Coordinate Bench of this Court and the allegations leveled against the petitioner are general and omnibus in nature, 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 the learned ACJM-VI, Darbhanga in connection with Laheriasarai P.S. Case No. 245 of 2025, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be canceled 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)

Gaurav Sinha/-

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