

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88372 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- MAHINDWARA District- Sitamarhi

Shivnath Sah Son of Ramchandra Sah Resident of Village- Baligarh @
Baligadh, P.S.- Runnisaidpur, District- Sitamarhi. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar S.K., Advocate
For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Mahindwara P.S. Case No. 140 of 2025, registered for the offence

under Sections 103(1), 3(5), 61(2) of BNS.

3. The accused/petitioner is named in the F.I.R. and is

in custody since 30.08.2025.

4. As per FIR, informant was informed over the phone

that his son, namely, Rahul Kumar has been shot dead by

unknown miscreants at Morang Road, P.S. Mahindwara, District-

Sitamarhi. Upon receiving the said information, the informant

alongwith his family members rushed to SKMCH, Muzaffarpur,

where his son was declared dead during hospitalization. The

informant suspected that the petitioner alongwith other co-accused

persons had killed his son alleging that they had earlier threatened



him to face dire consequences.

5. Learned counsel appearing on behalf of the petitioner submitted that entire implication against petitioner raised on the basis of suspicion only and that too on the basis of hearsay input. Admittedly informant is not the eye-witness of the occurrence. It is submitted that considering the aforesaid aspect, one of the learned co-ordinate Bench of this Court through Cr. Misc. 88940 of 2025 vide its order dated 08.01.2026 granted bail to one of similarly situated co-accused person, namely, Shankar Paswan and, therefore, as a matter of judicial parity, the petitioner also deserves bail. In this context, it is also pointed out that during investigation nothing transpired incriminating against petitioner out of suspicion as expressed by informant while lodging present FIR *qua* crime in question. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as save and except suspicion, *prima facie* nothing incriminating appears against petitioner during



investigation as to connect him *prima facie* with present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner being man of clean antecedent, remains in custody since 30.08.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Mahindwara P.S. Case No. 140 of 2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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