

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91204 of 2025

Arising Out of PS. Case No.-109 Year-2025 Thana- SIWAIPATTI District- Muzaffarpur

1. Nathuni Bhagat Son of Late Paldhari Bhagat Resident of Village - Ghosaut, P.S.- Siwaipatti, District - Muzaffarpur.
2. Shribhagat @ Sri Bhagat @ Shree Bhagat Son of Paldhari Bhagat Resident of Village - Ghosaut, P.S.- Siwaipatti, District - Muzaffarpur.
3. Rajeev Kumar @ Rajiv Kumar Son of Nathuni Bhagat Resident of Village - Ghosaut, P.S.- Siwaipatti, District - Muzaffarpur.
4. Rabin Bhagat @ Ravin Kumar @ Rabin Kumar Son of Nathuni Bhagat Resident of Village - Ghosaut, P.S.- Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ganesh Prasad Singh, Adv.
For the Informant	:	Mr. Raju Kumar, Adv.
For the State	:	Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-02-2026 Heard the learned counsel appearing on behalf of the parties.

2. The petitioners are apprehending their arrest in connection with Siwaipatti P.S. Case No. 109 of 2025 registered for the offence(s) under Section(s) 137(2), 140(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. As per the prosecution case, the informant has alleged that his son had gone out in the evening on his bicycle and did not return. It is alleged that she was having a land



dispute with petitioner No. 1/Nathuni Bhagat and she apprehends that the named accused persons including the petitioners had made her son disappear and even killed him.

4. The learned counsel for the petitioners submits that from the perusal of the F.I.R., it would be evident that a mere suspicion has been raised against the petitioners and no specific allegation of killing of the son of the informant has been made. It has further been submitted that admittedly there is a land dispute between the petitioners and the informant, such fact has also come during the course of investigation. It has further been pointed out that the police had tracked the CDR of the deceased as also the accused persons and it was recorded in paragraph 99 of the case diary that the deceased had no conversation whatsoever with the accused persons. It has also been submitted that from the *post-mortem* report, it would be evident that the cause of death was said to be asphyxia as a result of drowning. It has lastly been submitted that the petitioners are the family members and they all have been falsely implicated in this case and they all carry clean antecedents.

5. The learned A.P.P. for the State as also the learned counsel for the opposite party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and



have submitted that the facts stated in the F.I.R. has been supported even during the course of investigation by the informant as well as her other family members. It has been submitted that there was a land dispute between the parties and the son of the informant died in mysterious circumstance and, therefore, the petitioners should not be granted the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case and taking into account the fact that there is no evidence collected during the course of investigation to show that the petitioners were involved, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on their furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Siwaipatti P.S. Case No. 109 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioners shall be their



close relative and the other shall be a local resident.

(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that he has concealed their criminal antecedent, the Court concerned shall take necessary steps for cancellation of their bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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