

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91643 of 2025

Arising Out of PS. Case No.-71 Year-2001 Thana- PUNPUN District- Patna

1. Prem Sao @ Premnath Gupta S/o Late Sagar Sao R/o vill - Sheikhpura, P.S.- Gaurichak, Distt.- Patna
2. Amar Sao @ Amar Nath Gupta S/o Late Sagar Sao R/o vill - Sheikhpura, P.S.- Gaurichak, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. P.S. Mishra, Advocate Mr. Navneet Dubey, Advocate
For the Opposite Party/s :		Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 06-02-2026 Heard learned counsel appearing on behalf of the petitioners and learned APP for the State.

2. The petitioners seeks pre-arrest bail in connection with Punpun (Gaurichak) P.S. Case No. 71 of 2001 registered for the offence punishable under Sections 302/201/34 of the Indian Penal Code.

3. The case of the prosecution in short is that on 07.12.2001 at about 07:00 hours, the petitioners, along with others, assaulted the son of the informant, namely, Mantu by fist and slaps and also by rod by leveling false allegation of committing theft against him, and thereafter people pacified the matter. It is alleged that again on 07.12.2001, a scuffle between



his son Mantu and accused persons, including the petitioners, took place, and since that night his son has become traceless after taking money of the informant from the bank. It is further alleged that on 17.12.2001, the dead body of his son was found hidden in water at the Masaurhi roadside. The informant suspects that the petitioners have committed the murder of his son and also snatched Rs. 11,000/- from him.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated in connection with the present case. He also submits that the police has submitted final form but vide order dated 02.09.2008, learned SDJM, Masaurhi has taken cognizance under Section 302/120B of the I.P.C. He also submits that from perusal of the FIR, it is clear that only allegation against the petitioners are that they have assaulted with slaps and fists and also by rod. It has been submitted that there is no specific allegation against the petitioners. It has also been argued that cognizance is not a material for considering the bail of the petitioner. Police has already submitted final form. He further submits that a statement has been made in para 3 of the bail petition that the petitioner is having no criminal antecedent.



5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation against the petitioners, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaurhi in connection with Punpun (Gaurichak) P.S. Case No. 71 of 2001 subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Ashok Kumar Pandey, J)

Sudhanshu/-

U		T	
---	--	---	--

