

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1070 of 2026

Arising Out of PS. Case No.-97 Year-2025 Thana- JANTA BAZAR District- Saran

1. Upendra Ray S/o Late Suraj Ray @ Late Surya Ray R/o Village - Khurd Lauan, P.O - Mirzapur, P.S - Janta Bazar, District - Saran
2. Jitendra Ray S/o Sri Yogendra Ray R/o Village - Khurd Lauan, P.O - Mirzapur, P.S - Janta Bazar, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2026 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 126(2), 103(1), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. As per F.I.R., informant alleges that she received the news of her husband's sickness but when she reached to him, he had already died. When she began probing, these petitioners along with other accused persons threatened her to change her stance. Informant suspects that the accused persons assaulted her husband, killed him and cremated his dead body with a view to erase evidence.



4. Learned counsel for the petitioners submits that petitioner no. 1 is own brother and petitioner no. 2 is own brother of the deceased. Petitioners have falsely been implicated by the family members of Radhey Shyam Singh with whom petitioners had land dispute and petitioner no. 2 had filed Title Suit No. 99 of 2023 which is pending the court of learned Sub-Judge-IX, Saran at Chapra. As a matter of fact, the deceased fell down from the roof and during treatment at PMCH, he died. Sister of the deceased, namely, Babita Devi gave *Fardbayan* at PMCH, Patna that her elder brother fell down from the roof and entire family took him for treatment firstly, at Janta Bazar and subsequently, he was referred to PMCH where he died during course of treatment. Inquest of the deceased was prepared on 29.04.2025 at 12:30 PM in which Babita Devi and Chunnu Kumar are the inquest report witnesses and thereafter, post-mortem of the deceased was conducted. Even during the treatment at PMCH, father of petitioner no. 2 and father of the deceased have signed as guardian/attendant on the O.T. Risk Bond and as per post-mortem report, cause of death is 'polytrauma due to fall from height'. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State vehemently opposed



the bail application.

6. Considering nature of accusation, materials available on record and clean antecedents, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate-I, Saran at Chapra in connection with Janta Bazar P. S. Case No. 97 of 2025, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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