IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48681 of 2026

Arising Out of PS. Case No.-95 Year-2022 Thana- BAIRIYA District- West Champaran

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Bulet Kumar @ Saroj Kushwaha @ Sanoj Kushwaha S/O Suraj Mahto R/O Village- Koeir Tola @ Koeripatti, P.S.- Bairiya, Distt.- West Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhannjay Kumar Ii, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

3 21-08-2026 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. appearing for the State.

2. Petitioner is in custody in connection with Bairiya P.S. Case No. 95/2022 registered for the offence punishable under Sections 302, 120(B) and 34 of I.P.C.

3. As per the allegation in the FIR, on 12.04.2022 at about 09:00 P.M., the son of the informant went to watch an orchestra and was last seen at midnight with co-accused namely, Sandeep Kumar Kushwaha. At the instigation of other co-accused namely, Rupesh Ranjan, co-accused namely, Sandeep Kumar Kushwaha lured him to Motipur Sareh, where the accused persons, in conspiracy and in the name of family honour over his alleged love affair with daughter of the co-accused namely Hira Mahto, murdered both of them and hanged their bodies from a shisham tree.

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4. Learned counsel for the petitioner submits that the petitioner is innocent, committed no offence and has falsely been implicated in this case due to village politics. He next submits that though there is allegation against the petitioner that he along with other accused persons have committed murder of the deceased boy and girl but there is no specific allegation of assault is attributed to the petitioner. He further submits that the deceased boy and girl were major at the time of the alleged incidence and they had a love affair to each other, however, their parents were not agreed to select the boy and girl of their choice and they were tortured to the extent which prompted the deceased boy and girl to take extreme step to commit suicide and the petitioner has no concern at all with the alleged occurrence. He further submits that as per postmortem report, cause of death of the deceased boy and girl is asphyxia caused by hanging. He further submits that no incriminating material has been recovered from the conscious possession of the petitioner. He further submits that the charge sheet has been submitted against the petitioner. He further submits that there is no allegation of tampering of witnesses against the petitioner. Moreover, he submits that co-accused persons have already been granted anticipatory bail vide order dated 03.09.2025

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passed in Cr. Misc. No. 27625 of 2025 and order dated 03.09.2025 passed in Cr. Misc. No. 38819 of 2025. He next submits that the petitioner is in custody since 08.04.2026 and he has three criminal antecedents, in which he is on bail as per paragraph 3 of the bail petition, therefore, the petitioner deserves regular bail.

5. Learned APP appearing on behalf of the State vehemently opposes the prayer for bail of the petitioner and submits that there is enough evidence against the petitioner and other co-accused persons and it is a crime of serious nature, therefore, the petitioner does not deserve regular bail.

6. Considering the aforesaid facts stated hereinabove and circumstances of the case as well as the fact that postmortem report also support the fact that the cause of death is asphyxia due to hanging, let the above named petitioner be released on bail, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M Bettiah West Champaran at Bettiah, in connection with Bairiya P.S. Case No. 95/2022, subject to the following conditions:

(i) Petitioner shall co-operate in the trial and shall

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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 cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witness, 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 antecedents, 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.

(Girijish Kumar, J)

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