

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4532 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- KURSAKANTA District- Araria

Md. Anwarul @ Anwar Son of Md. Rafid Resident of Vill- Dahuwabari, Ward
No. 13, P.S.- Kursakanta, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 12817 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- KURSAKANTA District- Araria

Md. Pinku S/O Md. Semuddin @ Md. Samsuddin R/O Village- Dahuwabari,
Ward No. 13, P.S- Kursakanta, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 4532 of 2025)
For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP
(In CRIMINAL MISCELLANEOUS No. 12817 of 2025)
For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-04-2025 Heard learned counsel for the petitioners and learned APP
for the State. Perused the case diary.



2. The petitioners seek bail in connection with Kursakanta P.S. Case No. 117 of 2024 instituted for the offence under Sections 103(1), 238 & 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The informant's husband, a pickup van driver, went missing on 27.09.2024 after going to a tea shop. She later learnt that Md. Anwarul and Md. Pinku had taken him away, and on 29.09.2024, his dead body was found in a pond. Informant suspects involvement of Md. Pinku and Md. Anwarul in his death.

4. It has been submitted on behalf of the petitioners that the petitioner, namely, Md. Anwarul @ Anwar, is in custody since 07-10-2024, whereas petitioner, namely, Md. Pinku is in custody since 30-09-2024. Petitioners bears one criminal antecedent each, and both have been acquitted by this Court, as per disclosure made in paragraph No. 3 of their respective bail applications.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. There is delay of two days in lodging the FIR. There is no eye witness to the occurrence. Except suspicion, there is nothing against the petitioners. Nothing incriminating is



recovered from the possession of the petitioners. As per postmortem report, doctor has opined the cause of death due to asphyxia as a result of drowning.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is submitted that witness has seen the petitioners after commission of the offence, which fact finds mention at paragraph No. 09 of the case diary. Referring to confessional statement of petitioner, namely, Md. Pinku, it is fervently submitted that he has confessed his guilt and has stated that he had caught hold the legs of the deceased, whereas petitioner, namely, Md. Anwarul @ Anwar, strangled the deceased and later on, they threw the dead body in pond. Moreover, postmortem report also corroborates the allegation.

7. Considering the aforesaid facts and circumstances of the case, there being direct involvement of the petitioners in the commission of the offence, which is elucidated in the confessional statement of petitioner, namely, Md. Pinku, this Court, at this stage, is not inclined to grant bail to the petitioners. Prayer for bail is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and



unnecessary adjournments.

9. However, petitioners will be at liberty to renew their prayer for bail, if the trial is not concluded within a period of six months from today.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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