

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11364 of 2025

Arising Out of PS. Case No.-370 Year-2022 Thana- MADHEPURA District- Madhepura

Pankaj Shah @ Pankaj Sah @ Pankaj Kumar Son of Tuntun Shah village-
Sonbarsa Raj, Ps- Sonbarsa Raj, Dist- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Aditya Raj, Advocate
		Mr.Prashant Kr.Singh, Advocate
For the Opposite Party/s :		Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-09-2025 Heard learned counsel appearing on behalf
of the petitioner and learned counsel appearing on
behalf of the State.

2. The accused-petitioner, not named in the
F.I.R., is apprehending his arrest in connection with
Madhepura P.S. Case No. 370 of 2022 registered for
the offences punishable under Sections 302 and 201
of the Indian Penal Code. He has one criminal
antecedent as stated in paragraph '3' of the
application, where he is on bail.

3. The allegation against the petitioner is to
commit murder of one unknown person, whose dead
body was recovered by a local Chowkidar, namely,
Md. Atabul, who is the informant of the present case.



4. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of the co-accused, namely, Rohit Kumar, and in furtherance of which no incriminating material surfaced/recovered, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/murder.

5. It is submitted that as per call detail report, petitioner was at Gurgaon, Haryana, where he was working as labour.

6. It is pointed out that no incriminating material recovered/surfaced, during the course of investigation, and furthermore the investigating agency submitted final form against this petitioner, where without any incriminating material learned C.J.M. took cognizance, merely, on the basis of confessional statement of the co-accused, having no evidentiary value under the law.

7. While concluding the argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been



submitted, and as such, there is no chance of tampering with the evidence.

8. Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

9. Considering the facts and circumstances as mentioned above, as save and except suspicion, nothing surfaced in furtherance of confessional statement of the co-accused to connect this petitioner, *prima facie*, with the present set of occurrence/murder coupled with the fact that charge-sheet has already been submitted, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Madhepura/ concerned court in connection with Madhepura P.S. Case No. 370 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").



Rajeev/-

(Chandra Shekhar Jha, J)

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