

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15568 of 2025

Arising Out of PS. Case No.-23 Year-2023 Thana- BELA District- Sitamarhi

Md. Sarfaraj @ Sarfarj @ Md. Sarfaraj son of Md. Chlhahi Resident of village
-Parsa PS -Bela District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Dwij Raj, Advocate
For the State	:	Mr. Choubey Jawahar, APP

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

ORAL ORDER

6 29-08-2025 Heard Mr. N.K. Agarwal, learned senior counsel for the
petitioner assisted by Mr. Dwij Raj, Advocate and Mr. Choubey
Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with Bela
P.S. Case No. 23 of 2023 in STR No. 333 of 2024 instituted for
the offences under Sections 364(A)/34/120(B) of the Indian
Penal Code (for short 'the IPC'). Charge-sheet is submitted in
this case under Section 364(A), 302, 120(B), 201 & 34 of the
IPC. Earlier vide order dated 13-12-2023, passed in Cr. Misc.
No. 57549 of 2023, anticipatory bail of the petitioner was
rejected by a Co-ordinate Bench of this Court.

3. The prosecution case, in short, is that on
11.01.2023, the son of the Informant Bishnu Prasad Sah along



with one Rohit Kumar and Krishna Pandit had gone by motorcycle in the boarder area of Bela police station but, his son did not return. On interrogation, Krishna Pandit disclosed that his son and Rohit Kumar have been kidnapped by some other accused persons. Subsequently, the Informant received a mobile call demanding ransom amount of Rs. 20,00,000/-. He again went to the co-accused/Krishna Pandit and he disclosed that on 11.01.2023 his son and Rohit Kumar have been kidnapped for ransom.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to dirty village politics. He further submits that the date of occurrence is of 11.01.2023 but, the written application for institution of F.I.R. has been given to the police on 21.01.2023 and, thus, there is delay of ten days in lodging the F.I.R., without there being any explanation for the same. The petitioner is not named in the F.I.R. and his name has sprung in this case on the basis of confessional statement of co-accused Ajay Kumar @ Ajay Baitha. Except confession, there is nothing on record against the petitioner. There is no eye-witness to the alleged occurrence. There is no direct or specific allegation of any overt act against the petitioner. He further submits that the



dead bodies of the deceased have been recovered on the basis of the confessional statement of co-accused Ajay Kumar which is not binding on the petitioner. Charge-sheet has been submitted in this case but, charge has not been framed as yet. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 12.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that the co-accused Ajay Kumar confessed his guilt and admitted his complicity along with complicity of the petitioner and others and has also admitted that he along with other co-accused persons including the petitioner have committed kidnapping for ransom of the son of the Informant and Rohit Kumar and committed their murder and hide the dead body in the orchard. He further submits that on the information of the accused persons including the present petitioner and the co-accused Ajay Kumar, the dead body of the deceased Vishnu Prasad Sah and Rohit Kumar were recovered. He further submits that at paragraph nos. 27, 28 and 39 of the case diary,



there is confessional statement of the accused persons where they have confessed their guilt and admitted their participating in the occurrence. He further submits that the charge-sheet has been submitted against the petitioner under Sections 364(A), 302, 120(B), 201/34 of the I.P.C. Learned Counsel for the State has further submitted that in the postmortem report, the cause of death has been opined due to asphyxia leading to CR failure as a result of strangulation moduled by rope like substance and, thus, the petitioner does not deserve bail. Bail of other co-accused has been rejected by this Court vide order dated 28-02-2024, passed in Cr. Misc. No. 43676 of 2023.

6. Considering the entire facts and circumstances of the case as also considering the rival submissions made on behalf of the parties as also taking into account the nature of allegation which is serious, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is *rejected* for the present with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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