

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19546 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- BHAWANIPUR District- Purnia

Sarvesh Kumar S/o Late Akhilesh Kumar Mahto, R/o Village-Namua, Ward
No. 7, P.S.- Udakishunganj, Dist.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Senior Advocate
Ms. Diksha Kumari, Advocate
For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Bhawanipur P.S. Case No.97 of 2024 registered for the offences punishable under Sections 279, 304-A of the Indian Penal Code corresponding to Sections 281 and 106 of the Bhartiya Nyaya Sanhita (for short ‘B.N.S.’) but, later on, Sections 302, 201, 120-B and 379 IPC and Section 27 of the Arms Act were added in the FIR.

3. The accused/petitioner is not named in the FIR and is in custody since 08.10.2024.

4. As per FIR, a dead body was recovered by Choukidar, 2/1 namely, Sanjay Tiwar of Bhawanipur Police



Station on 09.05.2024 at around 7:30 A.M. during his field visit. The bullet injury was found upon deceased and, thereafter, considering the aforesaid aspect, the FIR was registered for the offence under Section 302 IPC along with other penal provisions against unknown.

5. Mr. N.K. Agrawal, learned senior counsel appearing for the petitioner submitted that name of this petitioner transpired during course of investigation on the basis of confessional statement of co-accused Manisha as she was apprehended with looted hand set of deceased. It is submitted that upon inquiry, it was said by co-accused Manisha in her confession that used mobile hand-set was supplied to her by this petitioner, which was also found inserting with SIM issued in name of this petitioner bearing number 9631679956. It is pointed out by Mr. Agrawal that the Manisha was in relation with this petitioner and out of said acquaintance, he supplied SIM card to her issuing in his name and only with this material, it cannot be said *prima facie* that this petitioner was involved in committing alleged murder. While concluding argument, it is submitted by Mr. Agrawal



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 and moreover petitioner is a man of clean antecedent.

6. Learned APP while opposing the prayer of bail could not disputed the aforesaid submissions.

7. In view of aforesaid facts and circumstances and by considering the fact that except confessional statement of co-accused Manisha, nothing incriminating appears *prima facie* as to connect the petitioner with present crime in question and moreover the looted hand set was not recovered from this petitioner rather from the co-accused Manisha, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 08.10.2024, being a man of clean antecedent accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Bhawanipur P.S. Case No.97 of 2024, subject to the



conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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