

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21972 of 2025

Arising Out of PS. Case No.-223 Year-2024 Thana- NARPATGANJ District- Araria

Dilip Purbey @ Dilip Pd. Purbey S/o Late Krityanand Purbey R/o vill -
Kharia Chanda, ward no. 2, P.S.- Narpatganj, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Kishore Bharti, Adv.
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh, APP
For the Informant	:	Mr. Satya Prakash Parasar, Adv.

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

ORAL ORDER

2 04-04-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.

2. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was rejected vide order
dated 05.12.2024 passed in Cr. Misc. No. 82363 of 2024.

3. The petitioner seeks bail in connection with
Narpatganj P.S. Case No. 223 of 2024 instituted for the
offences under Sections 302, 201, 120B and 34 of the Indian
Penal Code.

4. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder of the Informant's son.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. He further submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is delay of two days in instituting the F.I.R. that too without there being any plausible explanation for such delay which creates doubt in the veracity of the prosecution case. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness to the alleged occurrence. Learned counsel for the petitioner further submits that the confessional statement of the co-accused Rajeev Kumar Yadav has no evidentiary value in the eye of law as the same was recorded before the police and, he has already been granted bail by this Court vide order dated 14.02.2025 passed in Cr. Misc. No. 9352 of 2025. He further submits that the postmortem report of the deceased Bikram Kumar Mandal does not support the prosecution case as the postmortem report reveals that the deceased was died due to asphyxia as a result of strangulation whereas the deceased was brutally assaulted by iron rod and sharp cut weapon due to which he died. The petitioner has two criminal antecedents and is languishing in judicial custody since



07.01.2025 without any rhymes or reason. Charge-sheet has been submitted in this case.

6. Learned counsel for the petitioner again submits that the co-accused has also been granted bail this Court vide order dated 19.11.2024 passed in Cr. Misc. No. 65895 of 2024.

7. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Narpatganj P.S. Case No. 223 of 2024.

(Rudra Prakash Mishra, J)

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