

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20672 of 2025

Arising Out of PS. Case No.-208 Year-2024 Thana- THAWE District- Gopalganj

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1. Guddu Kumar S/O Dinanath Prasad Resident of Village- Purani Chowk Ward No. 20, P.S- Gopalganj, Distt.- Gopalganj.
 2. Mani Pandey S/O Amrit Pandey R/O Purani Chowk Ward No. 17, P.S- Gopalganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 01-08-2025 Heard learned counsel appearing on behalf of

the parties.

2. The petitioners seeks bail in connection with

Thawe P.S. Case No. 208 of 2024 registered for the

offence under Sections 140, 103(1), 61(2) of BNS.

3. The petitioners are named in the F.I.R. where

petitioner no. 1 is in custody since 01.09.2024 and

petitioner no. 2 is in custody since 11.09.2024.

4. As per FIR, the husband of the informant was

murdered by named co-accused and some unknown

persons.



5. Learned counsel appearing on behalf of the petitioners submitted that initially before the occurrence U.D. Case No. 9 of 2024 was lodged for recovery of dead body of the husband of the informant and thereafter on the basis of information of the wife of the deceased the present FIR was lodged making Suraj Patel the accused, who was the person who called deceased on last occasion i.e., on 30.07.2024 from his home. It is submitted that name of this petitioner transpired on the basis of confessional statement of one apprehended co-accused Govinda Kumar and, thereafter, the confession of petitioner was also recorded having inculpatory statement. It is submitted that in furtherance of confessional statement and also the same confession of petitioner, no incriminating material recovered/ surfaced as to connect petitioner *prima-facie* with present crime in question. It is submitted that interestingly the *viscera* of the deceased was preserved for one long year in police station itself and only after the interference of S.P.,



Gopalganj same was sent for forensic examination on 19.07.2025 itself. It is pointed out that from *post-mortem* report no external injury can be gathered upon deceased, where cause of death also could not ascertained. It is pointed that as per confessional statement it transpires that out of over dozing of “smack”, the husband of the informant died. While concluding the argument, it is submitted that petitioner no. 1 found involved in four more criminal cases of different nature where he is on bail in all the cases and petitioner no. 2 is a man of clean antecedent and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as save and except suspicions arising out of confessional statement of co-accused nothing *prima-facie* incriminating appears as to connect



petitioners with present crime in question, coupled with fact that charge-sheet has already been submitted where petitioner no. 1 is in custody since 01.09.2024 and petitioner no. 2 is in custody since 11.09.2024, let both above-named petitioners, be released on bail in connection with Thawe P.S. Case No. 208 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to the satisfaction of learned CJM, Gopalganj /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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