

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23690 of 2025**

Arising Out of PS. Case No.-235 Year-2024 Thana- GORIAKOTHI District- Siwan

Sultan Basfor Son of Late Chandirika Basfor Resident of Village -Barhoga
Kothi, PS- Goreyakothi District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.
Mr. Sanjay Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-08-2025 Heard Mr. Arun, learned counsel for the petitioner
and the State.

2. The petitioner is in custody in connection with
Goreyakothi P.S. Case No. 235 of 2024 for the offence
punishable under sections 103 of the BNS, 2023 lodged on
09.10.2024 by the informant, Munna Kumar Bari.

3. Earlier, the Co-ordinate Bench had called for the
case diary which is now on record.

4. As per the prosecution story, the informant alleged
that on 07.10.2024, after taking meal, his father was taking rest.
Later, when the informant reached there, saw the lock of the
Bathan broken, doors open and lying in the corner, he was dead,
the post-mortem report gave the reason as *Asphyxia* due to



strangulation, which followed the FIR.

5. Learned counsel for the petitioner submits that it is a typical case where FIR was lodged after the post-mortem was conducted, no one has seen the occurrence much less the informant.

6. Learned APP, Mr. Jitendra Kumar Singh, on the other hand has taken this Court to paragraph 57 of the case diary according to which, Jackey Basfor narrated the entire story upon taking into custody that the accused persons jointly assaulted the deceased in which while Rahul Kumar Basfor and Karan Basfor caught hold of the legs, Jackey Basfor along with Rajan Basfor caught hold of the hands whereas this petitioner strangled.

7. Considering the submissions of the parties as also the allegation that has come against the petitioner coupled with the fact that the post-mortem report records the death as *Asphyxia* due to strangulation, this Court is not inclined to extend him the privilege of bail which is accordingly rejected.

(Rajiv Roy, J)

Vijay Singh/-

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