

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25501 of 2025

Arising Out of PS. Case No.-357 Year-2024 Thana- GHORASAHAN District- East
Champaran

Radhe Shyam Kumar Son of Prabhu Sah Vill-. Nimoeeya Ps. -Ghorasahan
Dist -East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Priyesh Kumar, Advocate
For the State : Mr. Brajendra Nath Pandey, APP
For the Informant : Mr. Kamlesh Kumar, Advocate

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

ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with
Ghorasahan P.S. Case No. 357 of 2024 instituted for the
offences under Sections 103(1), 238, 3(5) of Bharatiya Nyaya
Sanhita, 2023.

3. Prosecution case, in short, is that, the brother of the
informant went missing after returning from a *Janmashtami* fair
and in the next morning, his dead body was recovered near a
canal.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.



Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of the co-accused Vikash Kumar. Learned counsel further submitted that except confessional statement of co-accused there is no material against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07-10-2024 and has no criminal antecedent. Other similarly situated co-accused has been granted bail by this Court vide order dated 27-02-2025, passed in Cr. Misc. No. 85890 of 2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that as per the confessional statement of the co-accused Vikash Kumar in paragraph no. 47 of the case diary, he (co-accused Vikash Kumar) committed murder of the deceased by giving knife blow on the neck of the deceased. On the other hand, learned counsel for the informant submitted that the involvement of the petitioner in the alleged occurrence cannot be ruled out as he was caught holding the deceased.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against this petitioner as also the period of custody undergone by the



petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Ghorasahan P.S. Case No. 357 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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