

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34207 of 2025

Arising Out of PS. Case No.-706 Year-2024 Thana- DHANARUA District- Patna

Rajiv Mahto S/O Krishna Mahto Village- Phulwariya, P.S.- Khusrupur,
District- Patna.

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Harish Kumar, Advocate
For the State : Mr.Sanjay Kumar Singh, APP
For the Informant : Mr.Abhay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-09-2025 Heard Mr. Harish Kumar, learned counsel appearing on

behalf of the petitioner and Mr. Abhay Kumar, learned counsel for

the informant and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

Dhanarua P.S. Case No. 706 of 2024 registered for the offences

under Sections 103(1), 61, 238 & 3/5 of the Bhartiya Nyay

Sanhita, 2023 (in short, the ‘B.N.S.’) and section 27 of the Arms

Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 10.12.2024.

4. As per FIR, one dead body of unknown male was

found in a field in village Birkhanda near railway plant. The age of

deceased was about 25 years old. As per FIR, the apparent reason

for death was fire-arm injury. The informant of this case is ASI,



Dhanarua Police Station, Patna.

5. It is submitted by learned counsel appearing on behalf of the petitioner that name of this petitioner was transpired during investigation on the basis of confessional statement of co-accused Rahul Kumar, who was said to be in relation with one Sweta Kumari, who is sister of the deceased.

6. It is submitted that upon arrest, the self-confession of the petitioner was also recorded, where in furtherance of confessional statement of co-accused Rahul Kumar and also self-confession, no incriminating material recovered/surfaced during investigation as to connect the petitioner with the present crime in question.

7. While concluding argument, it is submitted that investigation of this case is already completed and as such, there is no chance of tampering with the evidence and moreover, petitioner is a man of clean antecedent.

8. Learned A.P.P. for the State has opposes the prayer for bail of the petitioner.

9. Mr. Abhay Kumar, learned counsel appearing for the informant, while opposing the prayer of bail of the petitioner, submitted that as per confessional statement of main co-accused Rahul Kumar, it transpires that firing was made by this petitioner



while committing murder of the deceased Raushan Kumar. It is submitted that apparent reason of committing murder is non-approval of relation of co-accused Rahul Kumar with her sister by the deceased.

10. In view of the factual submission and by taking note of the fact as *prima facie* save and except suspicion nothing appears incriminating material recovered/surfaced as to connect the petitioner with the present crime in question, coupled with the fact that petitioner remains in custody since 10.12.2024, where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Masaurhi, District-Patna/concerned court, in connection with Dhanarua P.S. Case No. 706 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

