

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33031 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- HATHIDAH District- Patna

Nishant Raj @ Karu, S/o Sri Rajendra Choudhary, R/o Village- Dariyapur
Tola, P.S.- Hathidah, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Manglam, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Hathidah P.S. Case No. 15 of 2025, registered on 08.05.2024 for the offences under Sections 103 (1) and 3 (5) of BNS, 2023.

3. As per prosecution case, the father of the informant went missing and on inquiry, the informant came to know about co-accused Kallu Miyan and 2-3 other persons with whom the father of the informant picked up quarrel. From the location of the mobile phone of his father, the informant traced the dead body of his father in a field. The name of the petitioner transpired during investigation for being involved in the murder of the father of the informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has been named in this case on the basis of confessional statement recorded by co-accused Kallu Miya and except for the confessional statement, there is no material against this petitioner to show his connection with the alleged crime. There is no eye witness to the alleged occurrence and even the lady, who told the police about the deceased picking quarrel with co-accused persons, has not named this petitioner. Incidentally the said witness is the mother of this petitioner. The learned counsel further submits that even in his confessional statement, co-accused Kallu Miya has not alleged any overt act against the petitioner except that he helped in washing the bloodstains where the occurrence took place. But from the confessional statement of co-accused Kallu Miya, it is also apparent that only the co-accused persons were involved in killing of father the informant and there was no involvement of this petitioner. The learned counsel further submits that the petitioner has been made accused only because of the fact that he is the son of Kaushalaya Devi, who told the name of other co-accused persons for the first time. The learned counsel further submits that the petitioner was not present at the place of



occurrence and nothing incriminating has been recovered from the petitioner or at his instance. The petitioner is in custody since 16.02.2025 and is having clean antecedent. The charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague and doubtful nature of allegation against the petitioner and further lack of cogent material to connect him with the offence as alleged and also considering the clean antecedent of the petitioner coupled with period of custody and submission of charge-sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh, Patna/concerned court, in connection with Hathidah P.S. Case No. 15 of 2025, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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