

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32947 of 2025

Arising Out of PS. Case No.-37 Year-2020 Thana- ALIPUR District- Gaya

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Bimlesh Kumar @ Bimlesh Yadav S/o- Late Mahesh Yadav @ Late Mahesh Singh Village- Ballura Ps- Banshi Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Anand, Adv

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 21-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Alipur P.S. Case No. 37 of 2020 registered for the offences under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. The petitioner is not named in the F.I.R. and is in custody since 08.09.2024.

4. As per FIR, when father of the informant went outside of quarantine center during co-vid 19 he was murdered by some unknown person.

5. Learned counsel appearing on behalf of the petitioner submitted that during the course of investigation on the basis of confessional statement of co-accused Arvind Kumar and Pawan Kumar name of petitioner transpired in the present case, in furtherance of which nothing incriminating appears



recovered/surfaced during the course of investigation as to suggest involvement of this petitioner with the present crime in question and moreover both co-accused have already granted bail by learned Co-ordinate Benches of this Court Cr. Misc. No. 1962 of 2021 dated 20.05.2021 & Cr. Misc. No. 20032 of 2021 dated 25.10.2021, respectively. It is pointed out that one of the reason behind implication of petitioner with the present case is his criminal antecedents as he found involved in 9 more cases, where he is on bail and in most of the cases his name appears on the basis of confessional statement of co-accused having as of present case, otherwise no evidentiary value under law. It is submitted that merely on the ground of criminal antecedents prayer of bail of petitioner should not ordinarily be rejected, if merit of case otherwise appears in favour of petitioner. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of Uttar Pradesh and Another, [(2020) 11 SCC 648]**.

6. Arguing further, it is submitted that during the course of investigation it transpires that to get government job on compassionate ground the son of deceased namely Saurabh Kumar found indulged in murder of his father. It is pointed out that even said co-accused Saurabh Kumar was also granted bail by



learned Co-ordinate Bench of this Court through Cr. Misc. No. 24036 of 2021 dated 22.06.2022. While concluding the argument it is submitted that investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

7. Learned APP appearing on behalf of the State, opposes the prayer for bail.

8. In view of aforesaid factual submission and by taking note of fact as save and except suspicion nothing transpires during investigation as to suggest involvement of petitioner with the present crime in question, coupled with the fact as petitioner remains in custody since 08.09.2025, accordingly above named petitioner, is directed to be released on bail in connection with Alipur P.S. Case No. 37 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-II, Gaya/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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