

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35162 of 2025

Arising Out of PS. Case No.-263 Year-2024 Thana- GAMAHARIYA District- Madhepura

Naresh Sharma Son of Ramotar Sharma R/O Vill- Sihpur, P.S.- Gamharia,
District- Madhepura. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 10-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Gamharia
P.S. Case No. 263/2024, registered for the offence under Sections
103(1), 238, 3(5) of the Bharatiya Nayay Sanhita.

3. The accused/petitioner is not named in the F.I.R. and
is in custody since 26.12.2024.

4. As per FIR, four named and some unknown co-
accused persons found roaming in “*Bhadri Mela*” on 18.12.2024
with son of the informant who was killed subsequently. His head
was found smashed and the reason behind occurrence was said
his love affairs.

5. Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner transpired during course
of investigation as number of petitioner was found saved in mobile



phone of one Raushan Kumar who was in love with one Pooja Kumari. It is submitted that out of said suspicion, the petitioner was apprehended, whereafter he confessed his involvement through his self confession in police custody. It is submitted that the name of the petitioner also transpired through confessional statement of co-accused, Dularchand. It is pointed out that out of both confessional statement, nothing transpires during investigation as to connect petitioner *prima facie*, with present occurrence of murder. It is submitted that the petitioner was not amongst the person found roaming with the deceased son of the informant in “*Bhadri Mela*”. It is also submitted that the deceased son of the informant was also in love with said Pooja Kumari, with whom the petitioner was not connected in any manner. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as save and except suspicion arising out of self confession and confessional statement of co-accused persons, nothing incriminating recovered/surfaced during investigation, as



to connect petitioner *prima facie* with present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 26.12.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Gamharia P.S. Case No. 263/2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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