

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35313 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- MAJHAULIA District- West Champaran

Nand Kishore Sahani S/o Jagan Sahani Resident of Village- Jaukatiya, Ward
No. 11, P.S.- Majhulia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, APP
For the Informant	:	Mr. Ram Babu Yadav, Advocate Mr. Dharmesh Kumar Chaubey, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-10-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection

with Manjaulia P.S. Case No.8 of 2025 registered for the

offences punishable under Sections 103(1) read with 3(5) of

the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is named in the FIR and is

in custody since 23.01.2025.

4. As per FIR, the younger brother of informant

went together at 9.00 pm on 1st January, 2025 along with



three named co-accused persons including this petitioner whereafter, he never returned to home. After extensive search for long three days finally, on 4th January, 2025, the informant received information that one motorcycle bearing Registration No.BR-22AD 7678 found abandoned, which was of deceased and, thereafter, on search, on 5th January, 2025, the dead body of younger brother of informant was found in a maize field.

5. It is submitted by learned counsel appearing for petitioner that there is no direct evidence *qua* involvement of petitioner and merely on the basis of suspicion, as petitioner found accompanied with deceased brother of informant on pretext of attending 1st January party, he was implicated with present case. It is submitted that during investigation, petitioner was found last seen with co-accused Shambhu Sahani and considering this aspect, co-accused Prabhu Chaudhary with similar allegation has been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.32541 of 2025 dated 06.08.2025. It is pointed out that the informant's own uncle namely, Yadunandan Sahani



while recording his statement during investigation under Section 180 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') categorically stated that the deceased was found in company of the accused Shambhu Sahani only and, therefore, except suspicion nothing survives against this petitioner. While concluding 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. The petitioner is a man of clean antecedent.

6. Learned APP duly assisted by Mr. Rambabu Yadav while opposing the prayer of bail submitted that though this is a case of circumstantial evidence but the strong circumstances of last seen is available against the petitioner as per FIR. However, he could not disputed the submissions as advanced by learned counsel appearing for petitioner. It is further submitted that the brother of informant was brutally murdered during occurrence and the manner of assault *prima facie* suggest that it could not be done by a single person. It is also submitted that investigation in this case was not done in



fair manner.

7. In view of aforesaid factual submissions and by taking note of fact as save and except suspicion nothing transpired against this petitioner and moreover the deceased brother of the informant found last seen along with co-accused Shambhu Sahani, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 23.01.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhauria P.S. Case No.8 of 2025 subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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