

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36576 of 2025

Arising Out of PS. Case No.-442 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Shubham Kumar @ Raftar S/o Sri Dipak Kumar R/o Village- Patpara North,
Ward No. 01, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mrs. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv,
For the Opposite Party/s :		Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-08-2025 Heard Learned Counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with
S.Tr. No.269 of 2025 arising out of Bibhutipur Case No.442 of
2024 lodged under Sections 140(3) and 96 of the BNS, 2023
and later on added Sections 103(1), 238, 61(2) and 3(5) of the
BNS, 2023.

3. As per the prosecution, the FIR has been lodged
against unknown persons against whom there is allegation that
son of the informant went outside the house on 18.12.2024 at
about 4 PM, but even after repeated call, contact could not be
made with him. It is due to this reason, FIR has been lodged.
Subsequently, dead body of the son of the informant was



recovered and by post-mortem report, it transpires that he has been killed.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the petitioner is not named in the F.I.R. and during investigation, name of petitioner has figured along with other accused persons. He further submits that petitioner's name has figured in the present case only on the basis of confessional statement of co-accused persons in which it has been alleged that friends of petitioner and himself hatched conspiracy to kill the informant's son and they have killed his son by attacking knife on the backside of the head.

5. Learned Counsel also submits that the petitioner is in custody since 28.12.2024 and his antecedent is not clean. There is one criminal case pending against him.

6. Counsel further submits that the alleged confessional statement has not been supported by post-mortem report and caused death. He further submits that in the confessional statement, it has categorically stated that repeated knife blow has been made on the backside of head which caused injury due to which he died whereas post-mortem report indicates that injury was produced by hard and blunt object.



7. Learned APP for the State opposes the prayer for bail and submits that petitioner's name has come only by virtue of confessional statement of co-accused persons.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Addl. Sessions Judge-I, Rosera, Samastipur in connection with S.Tr. No.269 of 2025 arising out of Bibhutipur Case No.442 of 2024, subject to the following conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J.)

Prakashmani/-

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