

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37458 of 2025

Arising Out of PS. Case No.-386 Year-2024 Thana- SHEKHPURA District- Sheikhpura

Amit Kumar S/O Sudhir Mahto R/O Village-Jamalpur Bigha, PS-Sheikhpura,
Distt-Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-08-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sheikhpura P.S. Case No. 386 of 2024 instituted for the offence
under Sections 118(1), 103, 238 of the Bharatiya Nyaya Sanhita,
2023.

3. The prosecution case is that on 10.10.2024 the
informant's father went to sell vegetables near Chandani Chowk
but did not return home, and on the following morning his dead
body bearing multiple injuries was found lying in water near the
cemetery, whereupon the informant alleged that unknown
miscreants had killed him and thrown the body.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 03-04-2025. Petitioner bears four criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Phulchun Kumar @ Pocha and the same has no evidentiary value in the eye of law. Nothing incriminating has been recovered from the possession of the petitioner. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Co-accused, namely, Phulchun Kumar @ Pocha has stated that it is the petitioner has facilitated in disposing the dead body. As per postmortem the postmortem report, cause of death is due to multiple injury on head due to sharp cut.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge-sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sheikhpura P.S. Case No. 386 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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