

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44493 of 2025

Arising Out of PS. Case No.-07 Year-2025 Thana- Mufassil District- Purnia

Rahul Sah, Gender- Male, aged about 22 years, son of Bijli Sah, resident of Village Belouri, Waard No. 44, P.S. Mufasil, Dist. Purnea, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

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

ORAL ORDER

4 15-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Muffasil P.S. Case No. 07 of 2025 instituted for the offences under Sections 103(1)/61(2)/238 of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, on the alleged day of occurrence, the petitioner along with other co-accused took the informant's nephew on their bike but, he did not return at night. Later on, the dead body of the informant's nephew was found into Saura river.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case merely on the basis of suspicion. The present case is the case of last seen of the deceased with the petitioner. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is also no motive of the petitioner of killing the deceased. He further submits that in course of investigation, nothing adverse has come against the petitioner even in the form of digital record but, the petitioner has been falsely implicated in the present case merely on the basis of suspicion. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.01.2025 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the co-accused persons including the petitioner for offence under Sections 103(1)/61(2)/238 of the B.N.S., 2023. Postmortem report supports the prosecution case.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case,



the period of custody of the petitioner, the petitioner having no criminal antecedent as also there being no direct allegation against the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil P.S. Case No. 07 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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