

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44434 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- HATHIDAH District- Patna

Md. Monti @ Md. Akhtar S/O Md. Nizam R/O Village- Dariyapur, P.S.-
Hathidah, Dist.- Patna. Presently residing at R. 797/1, Ground Floor Jogbani
External Jamiyan Nagar Okhala, South Delhi 110025.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

Hathidah P.S. Case No. 15 of 2025 registered for the offences

under Sections 103(1), 3(5) of the Bhartiya Nyay Sanhita,

2023 (in short, the 'B.N.S.').

3. The accused/petitioner is named in the First

Information Report and is in custody since 18.03.2025.

4. As per FIR, informant raised suspicion regarding

one Kallu Mian, due to previous enmity, as to commit the

murder of his father alongwith other unknown accused persons.

5. It is submitted by learned counsel appearing on

behalf of the petitioner that on the basis of suspicion as raised



through FIR, named co-accused namely, Kallu Mian was arrested, who while recording his confessional statement in police custody named this petitioner, as one of his accomplice. It is submitted by learned counsel that even confessional statement of named co-accused Kallu Mian, no overt act appears attributed to this petitioner. It is submitted that informant also not raised any suspicion against this petitioner *qua* involvement and in furtherance of confessional statement of co-accused, no incriminating material recovered/surfaced during investigation as to connect the petitioner *prima facie* with the present crime in question.

6. It is submitted that similarly situated co-accused person namely, Nishant Raj @ Karu has already been granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 33031 of 2025 dated 03.09.2025, and, therefore, on the ground of parity this petitioner also deserves bail.

7. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already completed and as such, there is no chance of tampering with the evidence.



8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. In view of aforesaid factual submission and by taking note of the fact as save and except confessional statement of co-accused Kallu Mian, *prima facie* nothing incriminating appears recovered/surfaced as to connect the petitioner with the present crime in question, coupled with the fact that petitioner remains in custody since 18.03.2025 where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Barh, District – Patna, in connection with Hathidah P.S. Case No. 15 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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