

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46072 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- JALALPUR District- Saran

Kanhaiya Rawat S/O Late Shiv Pujan Rawat @ Shivpujan Raut R/O Village-
Majhwaliya, P.S- Baniyapur, Distt.- saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva

For the Opposite Party/s : Mr. Renuka Ratnakar (App125)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 31-10-2025 Heard the parties.

2. The petitioner seeks bail in connection with Jalalpur P.S. Case No. 39 of 2025, registered for the offence under Sections 103(1), 238 of the BNS and Section 27 of the Arms Act.

3. The petitioner is not named in the F.I.R. and is in custody since 01.05.2025.

4. As per FIR, the son of both informants who left house in the night of 28.02.2025 on pretext of attending a marriage ceremony was killed by some unknown miscreants and the information *qua* their dead body was received by informant when same was discovered by police.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with



present case out of confessional statement of Rahul Kumar, in furtherance of which no incriminating material recovered /surfaced as to connect petitioner *prima-facie* with present occurrence of murder. It is submitted that said co-accused Rahul Kumar @ Mom was granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 36481 of 2025 vide order dated 06.08.2025. It is pointed out that Muskan Kumari, who claimed to be an eye witness of the occurrence also not appears the eye witness of actual occurrence as per her statement recorded under Section 183 of the BNSS and, moreover, in separate trial *qua* another accused person i.e. Session Trial No. 548 of 2025, said Muskan Kumari completely retracted from her earlier version while deposing before the learned trial court that she was not aware about the occurrence. Arguing further, it is submitted that in view of aforesaid save and except suspicion arising out of confessional statement of co-accused nothing appears incriminating surfaced against this petitioner during course of investigation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such,



there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as except suspicion arising out of confessional statement of co-accused as discussed aforesaid, *prima-facie* nothing transpired during investigation to connect this petitioner with present crime in question, coupled with fact that investigation of this case already completed where petitioner remains in custody since 01.05.2025, accordingly petitioner above named, is directed to be released on bail in connection with Jalalpur P.S. Case No. 39 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Chapra, Saran /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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