

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46521 of 2025

Arising Out of PS. Case No.-154 Year-2025 Thana- PANCHRUKHI District- Siwan

1. Dharmendra Kumar S/O Krishna Mahto R/O Village- Surapur Chhapia, P.S- Hussainganj, Distt.- Siwan.
2. Govind Kumar Mahto S/O Gautam Mahto R/O Village- Surapur Chhapia, P.S- Hussainganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 04-12-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under Sections 103(1), 238 of the B.N.S.

3. The case of the prosecution is that, on 31.03.2025, the son of the informant, namely, Nagendra Kumar had gone out of his house and did not return. On the next day, the informant got information that the dead body of Nagendra Kumar is lying on Pukhreda Chanwar. On this information, the informant went to that place and she found the dead body of the deceased.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It has further been submitted that the petitioners are not named in the FIR. It has also been submitted that during course of the investigation one Dipu Kumar has given his confessional statement, wherein he has stated that he has seen the petitioners, Nagendra Kumar (deceased) and one Amrendra Ram entered in a asbestos house and after some time Dharmendra Kumar (petitioner no. 1) and Amrendra Kumar came out of the house and they were talking with each other about how the dead body of the deceased would be disposed of otherwise they may have to face a case. Learned counsel for the petitioners has further stated that except this confessional statement there is nothing on record against the petitioners. It has been submitted that the petitioners have clean criminal antecedent as stated in para 3 of the bail petition. Moreover, the petitioners are languishing in judicial custody since 07.04.2025.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that as per the statement of one Dipu Kumar, the petitioners were last seen with the deceased. Learned APP for the State has further submitted that



during course of the investigation, Dharmendra Kumar (petitioner no. 1) has also given his confessional statement, wherein he has stated that he along with other accused persons was with Nagendra Ram in the asbestos house and after some time they had hot talk on some issue, thereafter, Amrendra Ram pushed Nagendra Ram due to which he fell on the ground and died and further they threw the dead body of the deceased in Pukhreda Chanwar.

6. Countering this, learned counsel for the petitioner has submitted that even for a moment if the confessional statement of the petitioner no. 1 is considered to be true in that case also main thrust of allegation is against Amrendra Ram.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, and also considering the fact that the main allegation is against one Amrendra Ram and there is no specific and overt act levelled against the petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Pachrukkhi P.S. Case No. 154 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Siwan/concerned trial



Court.

8. Accordingly, the application stands allowed.

(Ashok Kumar Pandey, J)

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