

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45979 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- DIGHWARA District- Saran

Suraj Kumar S/o Santosh Sah R/o Village- Raipatti, P.S.- Dighwara, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 58206 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- DIGHWARA District- Saran

Raja Kumar @ Santol S/o Sadhu Sah R/o Village- Hematpur, P.S.- Dighwara, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 45979 of 2025)
For the Petitioner : Mr. Bindhyachal Singh, Senior Advocate
Mr. Rakesh Kumar, Advocate
Ms. Nikita Mittal, Advocate
For the State : Mr. Ahmad Ali, APP
For the Informant : Mr. Shakil Ahmad Khan, Advocate
(In CRIMINAL MISCELLANEOUS No. 58206 of 2025)
For the Petitioner/s : Mr. N.K. Agrawal, Senior Advocate
Md. Soban Asghar, Advocate
For the State : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 15-09-2025 Heard Mr. Bindhyachal Singh, learned Senior Advocate

for the petitioner, Mr. Ahmad Ali, learned APP for the State and

Mr. Shakil Ahmad Khan, learned Advocate appearing on behalf of

the informant in Cr. Misc. No.45979 of 2025, Mr. N.K. Agrawal,

learned Senior Advocate for the petitioner and Mr. Murli Dhar,



learned APP for the State in Cr. Misc. No.58206 of 2025.

2. Petitioners have prayed for bail in connection with Dighwara P.S. Case No.48 of 2025, registered for the offences punishable under Sections 103(1) and 3(5) of the B.N.S.

3. The case of the prosecution is that on 17.02.2025, the son of the informant, namely, Jahangir Ali told the informant that he is going with his friends in a marriage party. Those friends are Raja Kumar, Suraj Kumar and Ranjit Kumar. The informant believes that his friends have killed him by stabbing.

4. Learned Senior Advocates for the petitioners have submitted that from perusal of the FIR, it is clear that the occurrence is of 17.02.2025 and from perusal of the diary, it will transpire that on 18.02.2025 at 10:00 a.m., the inquest report was prepared and at 12:35 p.m. on the same day, post mortem of the deceased was conducted. It is further submitted that there is delay in filing of the FIR which is not explained. During course of investigation, both the petitioners have given their confessional statement and they have admitted their guilt. In para 49 of the diary, CCTV footage is there and from perusal of para 49 of the diary, it is clear that these three persons had gone on a bike to the temple. It is also submitted that even if the CCTV footage is taken to be true, the dead body was not recovered from the place where they are alleged to be gone rather the dead body was recovered



near a godown. A statement has been made in para 3 of the petitions that petitioners have no criminal antecedent and they are languishing in judicial custody since 21.02.2025.

5. Learned counsel for the informant and the learned APP for the State vehemently opposed the bail applications by submitting that the petitioners have brutally murdered the son of the informant.

6. From perusal of the entire materials available in the diary, it is clear that save and except the confessional statement and the CCTV footage, there is nothing against the petitioners. There is no eye-witness or direct evidence against them.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Dighwara P.S. Case No.48 of 2025.

(Ashok Kumar Pandey, J)

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