

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47039 of 2025

Arising Out of PS. Case No.-263 Year-2024 Thana- GAMAHAIRIYA District- Madhepura

1. Raushan Kumar S/o Rajo Sharma R/o vill- Gwalpara, ward no. 9, P.S - Gwalpara, Distt.- Madhepura
2. Dularchand Sharma S/o Bane Lal Sharma R/o vill - Singhpur, ward no. 9, P.S.- Gamhariya, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Adv
	:	Mr. Manoj Kumar, Adv
	:	Ms. Pooja Prasad, Adv
For the Opposite Party/s	:	Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-09-2025 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners seeks bail in connection with Gamhariya P.S. Case No. 263 of 2024 registered for the offences under Sections 103(1), 238 and 3(5) of the Bharatiya Nyaya Sanhita.

3. Both petitioners are not named in the F.I.R. and are in custody since 06.01.2025.

4. As per FIR named co-accused persons along with other unknown persons committed murder of the son of informant, while his son was taken from home by named co-accused persons



to attend “*Bhadri Mela*” on 18.12.2024.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioners implicated with the present case out of confessional statement of co-accused Naresh Sharma, in furtherance of which no incriminating material recovered/surfaced, which may connect both petitioners prima-facie with the present occurrence of murder. It is pointed out that petitioners were not amongst person who call deceased from his home as alleged through FIR. In this context, it is submitted that both petitioners were working somewhere in Punjab. While concluding the argument it is submitted that both petitioners are men of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid factual submission and by taking note of fact as save and except suspicion arising out of confessional statement of apprehended co-accused person nothing incriminating appears against these petitioners as to suggest prima-facie his involvement with the crime in question, coupled with the fact as both petitioners remains in custody since



06.01.2025, accordingly both above named petitioners, are directed to be released on bail in connection with Gamhariya P.S. Case No. 263 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Madhepura/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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