

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55947 of 2025

Arising Out of PS. Case No.-216 Year-2023 Thana- SARSI District- Purnia

1. Bablu Chaure S/o Gopal Chaure R/o Village - Phool Tola, Jiyanganj, P.S- Sarsi, District - Purnea
2. Barku Brisha@ Barku Besra S/o Sankhai Brisha R/o Village - Phool Tola, Jiyanganj, P.S- Sarsi, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Prasad

For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Sarsi P.S. Case No. 216 of 2023, G.R. No. 5754/2023 registered for the offence punishable under Section 363, 364, 34 of the Indian Penal Code and after investigation, police has submitted chargesheet against the petitioners u/s 302, 363, 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submit that the petitioners have got no criminal antecedent.

4. The case of the prosecution is that the informant had filed a written application before the Officer-in-Charge,



Sarsi Police Station on 25.10.2023 stating therein that his son Rabin Hembram aged about 22 years had gone to Kolkata on 27.08.2023 with villagers Bablu Chaure and Barku Brisha (petitioners) for working in Dal Factory. All of them were residing at Daspara where they took wine and Barku Brisha and Chaure snatched Rs. 10,000/- (Rupee Ten Thousand) from the son Rabin Hembram. On the next day in the morning his son informed his mother on telephone about the occurrence upon which both of them threatened his son and on 07.09.2023 when his son Rabin Hembram was returning to his home from Kolkata at about 7:00 P.M., he was caught by the accused persons (petitioners) in a lonely place and started assaulting his son. Rabin again informed his mother stating name of the petitioners. After that the mobile phone of the informant's son was found switched off. The informant suspected that both the petitioners had killed his son and thrown his body in Hoogly Canal. After that the informant went to Kolkata and informed the Police about the incident but his son could not be found.

5. Learned counsel for the petitioners submit that the petitioners are innocent and have not committed any offence as alleged in the F.I.R. They have been named as accused persons merely on suspicion. He further submits that the F.I.R. was



lodged after the lapse of 16 days. He also submits that the petitioners were not working in the same Dal Factory nor the petitioners were residing in the same place with the victim. He also submits that the petitioners are in judicial custody since 30.12.2024. Charge-sheet has been filed and therefore no further investigation is required to be done. Hence prolonged custody of petitioners are not required.

6. On the other hand, learned APP appearing for the State vehemently opposes the prayer for regular bail of the petitioners. In the F.I.R., both the petitioners have been named as accused persons. There is allegation against the petitioners that the petitioners have killed the son of the informant and thrown his body in Hoogly Canal.

7. The learned Court below has observed that the case was initially registered under sections 363, 364/34 of the I.P.C. against both the petitioners but after investigation, police has submitted charge-sheet u/s 302, 363/34 of the Indian Penal Code against both the petitioners. It has further been noted in the order of lower Court that in Paragraph 54 of the case diary confessional statement of both the petitioners have been recorded wherein both the petitioners have confessed their guilt. It has also been recorded in the case diary that the owner of the



Dal Factory has stated that both the petitioners were working in his factory about 1 ½ years ago. It has further been taken note of by the learned court below that both the petitioners and the deceased always fought each other after drinking wine and on the date of occurrence, there was fight between the deceased and the petitioners on the mobile.

8. Considering all these aspects of the matter, it is evident that there are serious allegations against the petitioners which cannot be ignored and releasing them on bail may not be proper. Although there is no criminal antecedent against the petitioners, but the fact is that charge-sheet has been submitted u/s 302 and 364/34 of the I.P.C. against the petitioners.

9. Hence, I am not inclined to grant privilege of bail to these petitioners.

10. Accordingly, the prayer for bail of the petitioners stands rejected.

11. The learned court below is expedited to conclude the trial expeditiously.

(Alok Kumar Sinha, J)

Ranjeet/-

U		T	
---	--	---	--

