

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.52945 of 2025

Arising Out of PS. Case No.-174 Year-2025 Thana- PURNEA SADAR District- Purnia

Md. Tamij Md. Moin R/o Village - Zero Mile, Kasba Road, P.S - Sadar,
District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Hussain

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 02-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with Sadar P.S. Case No. 174 of 2025 registered for the offence under Sections 103(1), 238, 123 of BNS.

3. The petitioner is not named in the F.I.R. and is in custody since 19.05.2025.

4. As per FIR, one dead body was found near to temple of Purnea Zero mile, by informant on 06.04.2025 at about 5:45 A.M., on the basis of information which received on 05.04.2025 at about 10 P.M., informant suspect death as unnatural for the reason that the bleeding from mouth and nose was noticed.

5. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner is based upon suspicion arising out of self confession and also the confession of his father namely, Md. Moin, which was also recorded in police



custody. It is submitted that save and except suspicion arising out of self confession nothing incriminating appears against this petitioner during investigation as to connect him with present crime in question. It is submitted that under police pressure the father of this petitioner recorded his statement under Section 183 of BNSS supporting the allegation against petitioner to assault the deceased and criminal trespass to his house along with other co-accused persons. It is submitted that admittedly the dead body was recovered from open place. 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 duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that the father of petitioner supported involvement of petitioner *qua* allegations of assault to deceased before the occurrence. It is submitted that upon *post-mortem* blood was found oozing from the mouth and nostril of the deceased



and also his left mandible was found fractured, the abrasion on both knees was also noticed suggesting that he was assaulted soon before the occurrence but he could not disputed the factual aspect that the statement of the father of petitioner namely, Md. Moin was recorded during police custody.

7. In view of aforesaid factual submissions and by taking note of fact as *prima-facie* except suspicions out of statement recorded under police custody nothing incriminating appears against petitioner during investigation as to connect him with crime in question, where the dead body admittedly found in open place accessible by general public, coupled with fact that investigation of this case already completed where petitioner remains in custody since 19.05.2025, accordingly petitioner above named, is directed to be released on bail in connection with Sadar P.S. Case No. 174 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, Purnea /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.



(Chandra Shekhar Jha, J)

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