

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55523 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- KAHALGAON District- Bhagalpur

Jeetendra Mushar @ Jeetu @ Jeetendra Kumar S/o Late Dhibu Mushar R/o
Village - Jagarnath Milky, P.S - Kahalgaon, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61942 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- KAHALGAON District- Bhagalpur

1. Kapil Mushar S/O Shiv Nath Mushar R/O Jaganathpur Milki Ward No.-11,
P.S- Kahalgaon, Distt.- Bhagalpur.
2. Surji Devi W/O Kapil Mushar R/O Jaganathpur Milki Ward No.-11, P.S-
Kahalgaon, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55523 of 2025)

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate
Mr. Shivam Aniket, Advocate

For the State : Mrs. Nirmala Kumari, APP

For the Informant : Mr. Krishna Kant Pandey, Advocate

(In CRIMINAL MISCELLANEOUS No. 61942 of 2025)

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Informant : Mr. Krishna Kant Pandey, Advocate

For the State : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 17-12-2025 Both the Criminal Miscellaneous Petitions have

arisen out of the same P.S. case, hence they are heard together

and decided by a common order.

2. Heard Mr. Pravin Kumar Sinha, learned counsel for



the petitioner (in Cr. Misc. No. 55523 of 2025), Mr. Rajive Ranjan Singh, learned counsel for the petitioners (in Cr. Misc. No. 61942 of 2025), Mr. Krishna Kant Pandey, learned counsel for the informant and Mrs. Nirmala Kumari and Mrs. Sucheta Yadav, learned APPs for the State.

3. Petitioners seek regular bail in connection with Kahalgaon P.S. Case No. 111 of 2025 dated 30.03.2025 registered for the offences punishable under Sections 137(2) and 140(3) of the Bharatiya Nyaya Sanhita.

4. Learned counsel appearing for the petitioner (in Cr. Misc. No. 55523 of 2025) submits that there is no direct evidence to show the petitioner's involvement in the alleged crime, and he has been languishing in jail since 04.04.2025. Although it is alleged that the recovery of the dead body was made on the disclosure of this petitioner, but admittedly, his statement was recorded after the recovery of the dead body, in fact, there was no good relationship between the deceased and his own brother, and one co-accused, namely Murlidhar @ Murari Mahto, who is also alleged to be involved in the murder of the deceased, has been granted bail by the co-ordinate Bench of this Court vide order dated 12.11.2025 passed in Cr. Misc. No. 71162 of 2025.



5. Learned counsel appearing for the petitioners (in Cr. Misc. No. 61942 of 2025) submits that these petitioners bear no criminal antecedent and have been languishing in jail since 04.04.2025, and against them, there is nothing except the confessional statement of a co-accused, which has no evidentiary value in the eye of law.

6. On the other hand, learned counsel appearing for the informant has vehemently opposed the prayer for bail of the petitioners and submits that the dead body of the deceased was recovered on the disclosure made by the petitioner, Jeetendra Mushar, and several witnesses claimed to have seen the deceased lastly in the company of both the petitioners, and there was also mobile communication between them just before the deceased went missing.

7. Heard both sides and perused the FIR and the case diary of this case. Though the instant matter relates to the murder of the deceased, however considering the aforesaid grounds taken by the petitioners, mainly the petitioners' fair and clean antecedents, and also the discrepancies in recording the statement of the petitioner Jeetendra Mushar, as according to paragraph no. 34 of the case diary, the police claimed to have recovered the dead body upon the disclosure of the petitioner,



but at that time his statement was not recorded and the same was recorded one day after the recovery of the dead body, which goes in favour of the petitioner and further the relief of bail has been granted by the co-ordinate Bench of this Court to the co-accused, Murlidhar, who is carrying almost a similar nature of allegation, this Court is inclined to accept the prayer for bail of the petitioners. Accordingly, let the petitioners named-above be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Kahalgaon P.S. Case No. 111 of 2025.

(Shailendra Singh, J)

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