

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56225 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- BHAWANIPUR District- Purnia

Baldeo Kumar @ Balia, S/o Shambhu Mahato, R/o Village - Haraili
Sonbarsha, Ward No. 01, P.S - Udakishunganj, District - Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Session Trial Case No.100 of 2025 arising out of Bhawanipur P.S. Case No.97 of 2024 registered for the offences punishable under Sections 279 and 304-A of the Indian Penal Code (in short 'IPC') but, later on, Sections 302, 201, 120-B and 379 of IPC as well as Section 27 of the Arms Act was added in the FIR.

3. The accused/petitioner is named in the FIR and is in custody since 23.10.2024.

4. As per FIR, the dead body was recovered by Choukidar No.2/1, namely, Sanjay Tiwar of Bhawanipur Police



Station on 09.05.2024 at around 7.30 A.M. during his field visit.

The bullet injury was found upon deceased but, initially, FIR was lodged under Section 304-A of the IPC and subsequently, during course of investigation, the same was converted into Section 302 of the IPC along with other provisions of IPC against the petitioner.

5. It is submitted by learned counsel appearing for the petitioner that the name of this petitioner transpired on the basis of confessional statement of co-accused Sarvesh Kumar, in furtherance of which, no incriminating material recovered/surfaced as to connect the petitioner with present crime in question and moreover said co-accused namely, Sarvesh Kumar has already granted bail by this Court through Cr. Misc. No.19546 of 2025 dated 27.08.2025. It is submitted that tempo of deceased was recovered from road side. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. The petitioner found involved in one more criminal case, where he is on bail.

6. Learned APP opposed the prayer for grant of bail



to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as save and except suspicion arising out of confessional statement of co-accused Sarvesh Kumar, who is on bail, as discussed aforesaid, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 23.10.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Purnea in connection with Session Trial Case No.100 of 2025 arising out of Bhawanipur P.S. Case No.97 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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