

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62085 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- JALALPUR District- Saran

Sanjeev Kumar @ Pappu Sipahi @ Sanjeev Kunwar S/o Late Sawaliya
Kunwar R/o vill - Majhulia Khurd, P.S.- Baniyapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. An attention was drawn by learned counsel appearing
for the petitioner *qua* order dated 07.10.2025 (order no. 2) where
Cr. Misc. No. 51325 of 2025 was wrongly mentioned instead of
Cr. Misc. No. 62085 of 2025.

3. Same be corrected and read accordingly.

4. The petitioner seeks bail in connection with Jalalpur
P.S. Case No. 39/2025, registered for the offence under Sections
103(1), 238 of the BNS, 2023 and Section 27 of the Arms Act.

5. The accused/petitioner is not named in the F.I.R. and
is in custody since 23.07.2025.

6. As per FIR, the son of both informants who left
house in the night of 28.02.2025 on pretext of attending a
marriage ceremony but was killed by some unknown miscreants



and the information *qua* their dead body was given to informants on 01.03.2025 at 7.55 AM by Masrakh police station over phone.

7. Learned Counsel appearing on behalf of the petitioner submitted that petitioner is a four terms Mukhiya of the village and as he decide to contest the election for legislative assembly, he was falsely implicated with present case due to political rivalry. It is pointed out that even the Muskan Kumari, who named this petitioner through her statement recorded under Section 183 of the BNSS not appears the actual eye-witness of the occurrence and, moreover, in separate trial *qua* another accused person i.e. Session Trial No. 548 of 2025, said Muskan Kumari categorically deposed before the court that she is not aware about the occurrence, retracting her earlier version as recorded under Section 183 of BNSS, making her own statement questionable. It is pointed out that besides aforesaid statement of Muskan Kumari, the name of this petitioner was also taken in confession by co-accused Rahul Kumar, who has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 36481 of 2025 dated 06.08.2025. It is submitted that in view of aforesaid, it can be fairly gathered that save and except suspicion nothing surfaced against this petitioner as during course of investigation, no incriminating material recovered/surfaced as to



connect petitioner *prima facie* with present occurrence of double murder. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is pointed out that the petitioner found involved in 12 more criminal cases besides this, where in all cases he is on bail. It is submitted that if the merit of the case otherwise appears convincing, merely on the basis of criminal antecedents of accused ordinarily prayer of bail should not be declined and in support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***.

8. Learned APP while opposing the prayer of bail submitted that the petitioner is a man of criminal antecedents. However, learned APP could not disputed the submission as advanced by learned counsel appearing for the petitioner that Muskan Kumari is not the eye-witness of the actual occurrence and, moreover, the co-accused, Rahul Kumar who named this petitioner has already granted bail by one of the learned co-ordinate Bench of this Court, as submitted aforesaid.

9. Considering the aforesaid factual submissions and by



taking note of fact as save and except suspicion arising out of confessional statement and the statement of one Muskan Kumari recorded under Section 183 of the BNSS, nothing surfaced incriminating against this petitioner *qua* his involvement with present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 23.07.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Jalalpur P.S. Case No. 39/2025 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saran at Chapra/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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