

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62900 of 2025

Arising Out of PS. Case No.-243 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Niraj Kumar @ Niraj Sahani S/o Bisundev Sahni R/o Village- Bishunpur
Patti, Post- Karnaul, P.S.- Sahebganj, District- Muzaffarpur.... ... Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-12-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Sessions
Trial No. 609 of 2024 arising out of Sahebganj P.S. Case No. 243
of 2024 registered for the offence under Sections 302, 120(B) and
34 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R. and
is in custody since 25.07.2024.

4. As per FIR, the murder of son of the informant was
committed by some unknown persons in nearby High School, from
where he was referred to S.K.M.C.H. at Muzaffarpur. Informant
received information *qua* occurrence through local Chaukidar.
Informant raised suspicion against one Kamlesh Bhagat, Vicky
Kumar, Ravi Singh and Abhishekh Kumar, who are named
accused.



5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner in present occurrence transpired on the basis of confessional statement of named co-accused Vicky Kumar @ Rohit Kumar Singh, against whom informant raised his suspicion. It is pointed out that in furtherance of said confession, the petitioner was apprehended with present case and, thereafter his confessional statement was also recorded. It is submitted that in furtherance of self confessional statement of petitioner/accused, nothing incriminating recovered/surfaced during course of investigation, which may connect him, *prima facie* with present occurrence of murder. It is pointed out that save and except suspicion arising from confessional statement of co-accused and self confession of petitioner made before police, nothing incriminating appears against petitioner during course of investigation. It is submitted that petitioner found involved in six more criminal cases but none of these cases were lodged under Section 302 of the IPC. It is submitted that if petitioner otherwise entitled for bail, merely on the basis of his criminal antecedents, his prayer of bail should not be rejected ordinarily. 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. While concluding argument, it is submitted that the co-accused, who named this petitioner in his confession, namely Vicky Kumar @ Rohit Kumar Singh has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 78671 of 2024 dated 14.02.2025 and, therefore, judicial parity suggests that this petitioner also deserves bail.

6. Learned APP while opposing the prayer of bail could not disputed the aforesaid submission as advanced by learned counsel appearing for the petitioner.

7. Considering the aforesaid facts and circumstances and by taking note of fact as *prima facie* suspicion not appears raised against this petitioner by the informant, who is not the *eye-witness* of the occurrence and, moreover, save and except suspicion arising out of confessional statement of co-accused and self confession of petitioner, nothing appears *prima facie* incriminating as to suggest his involvement of petitioner with the present occurrence of murder, coupled with the fact that petitioner is in custody since 25.07.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Sessions Trial No. 609 of 2024 arising out of Sahebganj P.S. Case No. 243 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned District & Additional Sessions Judge-VIII,
Muzaffarpur/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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