

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65387 of 2025

Arising Out of PS. Case No.-219 Year-2024 Thana- GAMAHARIYA District- Madhepura

Pritam Kumar S/o Sunil Yadav @ Sunil Kumar Yadav R/o Village- Itawa,
P.S.- Gamharia, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Pooja Prasad, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

Gamhariya P.S. Case No. 219 of 2024 registered for the

offences under Sections 103(1), 238, 61(2) of the Bhartiya

Nyay Sanhita, 2023 (in short, the ‘B.N.S.’) and section 27 of

the Arms Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 24.03.2025.

4. As per FIR, petitioner alongwith eight other co-

accused persons alleged to kill the son of the informant. The

dead body of son of the informant was found near the bank of

Parwaha road.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that petitioner implicated falsely with the present case out of suspicion being resident of same village and further for the reason that he was one amongst who called the son of the informant from his house. It is submitted that even as per confessional statement, co-accused Ramkumar Paswan was said to fire shot upon the deceased. It is pointed out that save and except suspicion nothing incriminating appears available against this petitioner during course of investigation.

6. 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.

7. Explaining criminal antecedent of the petitioner, it is submitted by learned counsel that petitioner found involved in four more criminal cases, where he is on bail in two cases. It is submitted that considering all such aspects co-accused Pramod Yadav, who also alleged to call the son of the informant from his house as present petitioner, was granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 36234 of 2025 dated 01.08.2025.

8. Learned A.P.P. for the State has opposed the prayer



for bail of the petitioner.

9. In view of the aforesaid factual submission and by taking note of the fact as save and except suspicion as this petitioner alongwith other eight co-accused persons called the son of the informant from his home, nothing incriminating appears during investigation as to connect him *prima facie* with the present occurrence of murder, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 24.03.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura/concerned court, in connection with Gamhariya P.S. Case No. 219 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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