

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70817 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- KHAJEKALA District- Patna

Md. Pintu @ Pintu @ Lulha, S/o Late Md. Shahabuddin, R/o Village-
Moulashah Ki Bagh, P.S.- Khajekalan, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Pramod Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. N.K. Agrawal, Senior Advocate
		Mr. Saurav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

9 30-07-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State duly assisted by learned senior counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection with P.T.N. 2465 of 2024 arising out of Khajekalan P.S. Case No.231 of 2024 registered for the offences punishable under Sections 302, 120-B read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is not named in the FIR and is in custody since 27.06.2024.

4. As per FIR, two named co-accused persons committed murder of the husband of the



informant while they were searching for their son. Suspicion also raised regarding involvement of certain people of locality in present crime.

5. It is submitted by learned counsel appearing for the petitioner that the name of petitioner transpired during the course of investigation on the basis of confessional statement of apprehended named co-accused, namely, Md. Shakib, in furtherance of which, no incriminating material recovered/surfaced as to connect petitioner *prima facie* with present crime in question. It is pointed out that subsequently, self-confession of this petitioner was also recorded upon arrest, whereafter also, nothing incriminating recovered/surfaced. It is pointed out that during the course of investigation, it transpired in para-93 of the case diary that only named co-accused persons, namely, Md. Kadir, Md. Shakib and thereafter one Md. Rijwan were found roaming around place of occurrence, without suggesting anything regarding presence of petitioner. Travelling further, it is submitted that petitioner



has been implicated with present case only due to suspicion arising from his criminal antecedents, as he found involved in 18 criminal cases, where in all cases, he is on bail and in maximum of cases, his name transpired on the basis of confessional statement of co-accused, as of present case, having otherwise no evidentiary value in law. While concluding argument, it is submitted that if the merit of this case appears *prima facie* in favour of petitioner, merely on the basis of his criminal antecedents, the prayer for bail ordinarily should not be rejected and in support of his submission, learned counsel has relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]**. It is also pointed out 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.

6. Learned APP duly assisted by Mr. N.K. Agrawal, learned senior counsel appearing for the



informant while opposing the prayer for bail submitted that the petitioner has made inculpatory statement before the police and he is a man of criminal antecedents and moreover in trial, almost four prosecution witnesses out of 8 were already examined and, therefore, considering the progress of trial, the prayer of bail of petitioner be rejected.

7. Contrary to the aforesaid submission, learned counsel appearing for the petitioner submitted that though four prosecution witnesses examined but trial is not likely to conclude in near future and moreover with available materials, which only suggest suspicion, the petitioner should not be kept behind the bar even for a single day.

8. In view of aforesaid factual submissions and by taking note of fact as save and except suspicion arising out of confessional statement of apprehended co-accused and also of self-confession of petitioner, nothing incriminating *prima facie* recovered/surfaced as to connect petitioner *prima facie* with present crime in question, where he also not appears visible in



CCTV footage during course of investigation, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 27.06.2024, 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 Judicial Magistrate-1st Class, Patna City, Patna in connection with P.T.N. 2465 of 2024 arising out of Khajekalan P.S. Case No.231 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') and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) For any deliberate attempt to



cause delay, prosecution/State shall be at liberty to press for cancellation of bail bond of petitioner before learned trial court itself.

(Chandra Shekhar Jha, J.)

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