

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75077 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- PARBATTa District- Bhagalpur

Md. Rasad @ Naushad S/o Shekh Ijraeel @ Izrail R/o Village- Shekh Tola,
Jhandapur, Thana- Bihpur Jhandapur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 31-10-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363 and 365 of the Indian Penal Code but later on Sections 302, 201, 120B and 34 of the IPC were added which was earlier rejected vide order dated 26.03.2025 passed in Cr. Misc. No. 84681 of 2024 with an observation that the petitioner may be at liberty to renew his prayer for bail after six months, if the trial is not concluded.

3. The case of the prosecution is that the accused persons including the petitioner took away the father of the informant from his pan shop in the morning at 01:30 AM.



Ranjit Kumar and Md. Sattar have seen the occurrence.

4. Learned counsel for the petitioner has submitted that the only allegation against the petitioner is that he was last seen with the deceased. Nothing has been recovered from the possession of this petitioner. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 31.05.2024.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail. Learned counsel for the informant has submitted that during investigation, Ranjeet Kumar and Md. Sattar have given their confessional statement before the police and they have stated that they have seen the petitioner taking away the deceased from his Pan shop. He has further submitted that in this case, the dead body of the deceased was recovered on the confessional statement of one co-accused Md. Fulo. It has also been submitted that in the confessional statement of Md. Fulo, it has come that this petitioner has also helped him in the alleged occurrence. The allegation against Md. Fulo and Md. Sanowar were found to be similar and earlier the prayer for bail of the petitioner was rejected as the learned co-ordinate



Bench of this Court has rejected the petitions of Md. Fulo and Md. Sanowar vide Cr. Misc. Nos. 72574 of 2024 and 71259 of 2024. Learned counsel for the informant has submitted that from the order of learned co-ordinate Bench dated 19.09.2025, it will transpire that the learned co-ordinate Bench has recorded that till that date, there was no progress in trial.

6. Learned counsel for the petitioner has further submitted that Md. Sanowar has been granted bail by learned co-ordinate Bench of this Court vide order dated 19.09.2025 passed in Cr. Misc. No. 68476 of 2025. He has further submitted that this case is based wholly on confessional statement and if the confessional statement itself is taken to be true then also, the main assailant is Md. Fulo. Learned counsel for the petitioner has also submitted that at the time of filing of the bail petition, actually no witness has been examined and that statement of the petitioner has reflected in the order of learned co-ordinate Bench. It has further submitted by learned counsel for the petitioner that in this petition, in para-14, he has specifically mentioned that altogether four witnesses have been examined.

7. Having heard learned counsel for the parties and considering the above facts and circumstances of this case, this



court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Parbatta P.S. Case No. 92 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge- 3rd, Naugachia, Bhagalpur **with a condition that petitioner shall cooperate in trial and shall remain physically present on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates without any plausible reason, the learned trial court will have liberty to cancel the bail bonds of the petitioner.**

(Ashok Kumar Pandey, J)

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