

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.807 of 2025

Arising Out of PS. Case No.-369 Year-2024 Thana- PATNA CITY CHOWK District- Patna

Kanhaiya Poddar Son of Late Raj Kishore Prasad @ Late Raj Kishore Poddar
Resident of Mohalla- Bhaishani Tola, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 07-04-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Chowk
P.S. Case No. 369 of 2024 instituted for the offence under
Sections 140(3) of the Bharatiya Nyaya Sanhita (BNS), 2023.
Later on Sections 103(1), 61(2), 238 & 3(5) of the BNS.

3. Prosecution case in short is that son of the
informant went missing on 31.07.2024 around 11:04 PM while
riding a red 'Mayuri Hawa-Hawai' from *Patna Sahib* to
N.M.C.H., *Agamkuan*. He did not return, and his mobile phone
is switched off.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 07-08-2024. Petitioner



bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired during course of investigation via CCTV footage. There is no eye witness to the occurrence. Learned counsel for the petitioner submits that there is nothing against the petitioner save and except his own confessional statement, that too having no evidentiary value in the eye of law. Charge sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is mainly contended that petitioner has confessed his guilt in his confessional statement. Moreover, he was seen with the deceased in the e-rickshaw. Although, opinion regarding cause of death is reserved in postmortem report.

7. Considering the aforesaid facts and circumstances of the case and specifically taking into account the confessional statement of the petitioner wherein he has confessed his guilt, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail is *rejected*.



8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

9. However, petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within a period of six months from today.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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