

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15072 of 2026

Arising Out of PS. Case No.-131 Year-2025 Thana- HATHAURI District- Muzaffarpur

Amresh Kumar Son of Late Chandan Kumar Singh R/o Village - Harpur, P.S.
- Hathauri, Distirct - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-03-2026 Heard Mr.Arinjay Kumar, learned counsel for the
petitioner, learned counsel for the informant and Mr.Anand
Kishore Choudhary, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
09.08.2025 in connection with Hathauri P.S. Case No. 131 of
2025, F.I.R. dated 07.08.2025 registered for the offence
punishable under Sections 137(2)/140(3) of BNS, 2023. Later
on Sections 140(1),103(1),238 and 31(2) of BNS has been
added.

3. According to prosecution case, it is evident that this
case has been registered against one Raja Babu, on the basis of
written complaint of Sarfun Khatoon, who has alleged that on
05.08.2025 at about 05.00 pm, her son Md. Aslam was sitting at
Darwaja, meanwhile her neighbour Raja Babu reached and took



her son Md. Aslam on his motorcycle on the pretext of excursion but her son did not return till late night. During course of search, mobile phone of her son was found switched off. Thereafter, call was made on the mobile phone of Raja Babu but he did not respond. In the morning of 06.08.2025, informant reached house of Raja Babu and asked whereabouts of her son but he did not give any satisfactory reply.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. Petitioner is not named in the FIR. The FIR has been registered against co-accused person and petitioner has been made accused in the present case merely on the basis that he has confessed his guilt in the police custody thereafter the petitioner has confessed his guilt and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.08.2025.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was involved in the present crime in question and



more witnesses have supported the case of the prosecution against the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, petitioner is not named in the FIR, name of the petitioner has been transpired during investigation on the basis of confessional of the co-accused person and thereafter the petitioner has confessed his guilt, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Hathauri P.S. Case No. 131 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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