

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4629 of 2026

Arising Out of PS. Case No.-77 Year-2025 Thana- Mathurapur District- Samastipur

Birju Kumar Son of Naresh Paswan R/o Village- Mannipur Sari, P.S. -
Mathurapur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 25-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Mathurapur P.S. Case No. 77 of 2025 dated 21.09.2025, registered under Sections 103(2) and 3(5) of the *Bharatiya Nyaya Sanhita, 2023*. Subsequently, after completion of investigation, the charge-sheet has been submitted under Sections 103(1), 309(4), 317(2), and 3(5) of the *Bharatiya Nyaya Sanhita, 2023*.

3. The prosecution case, in short, is that the informant's wife was murdered in the godown by an unknown assailant using an iron rod and her golden rings were stolen.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. It is further submitted that the FIR was initially lodged against unknown persons and the petitioner was not named therein. It is further submitted that during course of investigation, the petitioner was arrested only on the basis of suspicion. The petitioner has been implicated mainly on the basis of an alleged confessional statement, which has no evidentiary value. It is submitted that the petitioner's implication is based on the informant's identification from CCTV footage, as mentioned in paragraph no. 10 of the case diary and the statement of the informant's landlord, Mahadeo Jha, as mentioned in paragraph no. 9 of the case diary. On the basis of the said materials, the police conducted a raid at the house of the petitioner and arrested him. It is submitted that on search two golden like bangles and the clothes claimed to have been worn at the time of occurrence were recovered from the petitioner's house, as noted in the seizure list at paragraph no. 24 of the case diary. However, the seizure does not prove the petitioner's involvement and, at best, only creates suspicion against him. Further, the golden bangles were not put to a Test Identification Parade and therefore, casts doubt on the recovery. Further, the Investigating Officer has also not collected the petitioner's Call Detail Record (CDR) . In the absence of any



cogent evidence, the petitioner has been implicated merely on suspicion and in fact, he has no concern with the alleged offence. Lastly, it is submitted that the petitioner has been in judicial custody since 22.09.2025 and has no criminal antecedents and the charge-sheet has already been submitted in this case.

5. Learned counsel for the State has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Judicial Magistrate 1st Class, Samastipur, in connection with Mathurapur P.S. Case No.77 of 2025.

7. The application stands allowed.

(Khatim Reza, J)

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