

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6784 of 2026**

Arising Out of PS. Case No.-408 Year-2025 Thana- BATHNAHA District- Sitamarhi

Harikesh Kumar Son of Parshuram Singh Resident of village - Satmachcha,  
P.S. and District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

2      10-02-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 137 (2) of the BNS.

3. The case of the prosecution is that the son of the informant, who was a tempo driver went missing in the evening of 20.08.2025 when he was called on his mobile phone and thereafter, his mobile was found switched off.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that the First Information Report was lodged against unknown miscreants. During the course of investigation, co-accused



persons, namely Krishna and Navin made confessional statement and on the basis of the said statement, they named the petitioner. It is further submitted that from perusal of paragraph-6 of the impugned passed by the learned trial Court, it reveals that Krishna and Navin Kumar have confessed about their involvement in the alleged murder of deceased, Deepak Kumar and have disclosed about the conspiracy in which they allegedly killed the deceased. However, save and except the confessional statement of co-accused persons, there is no material on record to connect this petitioner with the alleged occurrence. It is further submitted that the doctor, who conducted the post-mortem examination of the deceased has opined that the cause of death due to hemorrhage and shock as a result of head injury. On perusal of the post-mortem report, it also transpires that the deceased had one ante-mortem injury i.e. fracture of the frontal bone. It is further submitted that the story created by co-accused persons, namely Krishna and Navin Kumar in their confessional statement depicts that they killed the deceased by electrocution. However, the manner of death as alleged by the co-accused persons is not corroborated by the post-mortem report. Moreover, the petitioner is languishing in judicial custody since 25.08.2025 having no criminal



antecedent.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Considering the aforesaid facts and circumstances of the 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 Bathnaha P.S. Case No. 408 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Sitamarhi.

**(Ashok Kumar Pandey, J)**

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