

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18684 of 2026

Arising Out of PS. Case No.-637 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Rahul Kumar S/O Ganesh Prasad R/O Village- Godhwa, P.S- Muffasil,
District- East Champarn, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv
For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 04-05-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Muffasil P.S. Case No. 637 of 2025 registered for the offences punishable under Sections 103(1), 3(5) and 61(2) of the B.N.S.

3. As per the prosecution case, on 02.10.2025, at about 09:00 P.M., the informant was at his house and in the meanwhile, it is alleged that petitioner along with other co-accused persons took the son of the informant in order to visit a fair. It is alleged that till morning, the son of the informant did not return back to his house, hectic search were made, in course of which the informant went to the house of this petitioner



where other co-accused person became furious and became adamant to kill him. It is alleged that when the informant was returning to his house, in the meantime he came to know that the dead body of his son was lying in a field, the informant claimed that petitioner and another co-accused persons have murdered his son.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the date and time of alleged occurrence is 02.10.2025 at 09:00 P.M., the inquest report of the deceased son of the informant was prepared on 03.10.2025, at 17:30 hours and the FIR came to be lodged on 03.10.2025, at 20:15 hours, on the written application of the informant. It has further been submitted that there is no eye witness to the alleged occurrence of murder, as well as of last seen. It has further been submitted that four witnesses have stated that on 24.12.2025, in their examination under section 180 BNSS, that the deceased son of the informant was in love relationship with sister of this petitioner, and the deceased, in the previous month of march, had entered the house of the petitioner and was caught therein, followed by assault upon him. It is further submitted that a *panchayati* was convened between the parties, and the deceased



son of the informant was let to go with a warning. It has further stated by them that on the fateful day, the deceased son of the informant again entered the house of the petitioner, due to which he was killed by pressing his neck, and the dead body was thrown away in a field. Learned counsel for the petitioner has submitted that such statement of the witnesses were belated one, and no such information was given to the informant at the time of registration of the FIR. It has further been submitted that if there was strained relationship between the deceased and the petitioner, then as per the prosecution, the deceased would not have accompanied the petitioner and others to go to the fair, the informant, in such circumstances, would not let the deceased join the company of the petitioner. It has further been submitted that no investigation has been done as regards the place of occurrence, which is his house. It has lastly been submitted that the petitioner has no criminal antecedent and is in custody since 09.10.2025. Chargesheet has been filed in this case and there is no allegation of tempering against him.

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

6. Considering the aforesaid submissions of the parties and taking into account the facts and circumstance of the



case, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, in connection with Muffasil P.S. Case No. 637 of 2025.

7. The application stands allowed.

(Praveen Kumar, J)

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