

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21078 of 2026

Arising Out of PS. Case No.-76 Year-2025 Thana- ANDHRATHARHI District- Madhubani

Md. Sajid @ Saju S/O Md. Nasim R/O Village- Giderganj(Gidraganj), P.O-
Madna, Ward No. 5, P.S- Andharathadhi, District- Madhubani (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramamkant Sharma, Sr. Advocate

Mr. Adarsh Prasar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 08-05-2026 Heard learned senior counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 103(1), 238 and 3(5) of BNS.

3. The case of the prosecution is that the son of the informant went out of his house at 8PM. It is further alleged that petitioner, Md. Kasim and some unknown persons boarded him on a bike. He was being searched till 10 PM. The informant came to know that all the persons who have gone with the son of the informant, they have also not returned. In morning, at 8 AM, the informant came to know that near brick kiln, the dead body of the deceased is lying.

4. Learned senior counsel for the petitioner submits that



the petitioner is innocent and has committed no offence. Learned senior counsel for the petitioner has submitted that from perusal of the FIR, it is clear that only allegation against the petitioner is that he and Md. Kasim have taken away the son of the informant at 8 PM and the dead body was recovered at 8 AM. It has further been submitted that there is much gap in the time and the last seen theory cannot be applied as the gap is too much. It has further been submitted that in this case during course of investigation, police has extracted confessional statement of this petitioner also and of Ishararul and in the confessional statement, they have confessed their guilt. It has further been submitted that save and except the confessional statement, there is nothing against the petitioner and confessional statement is not a legal material. It cannot be proved during trial. It has further been submitted that from perusal of the C.C.T.V. Footage which is detailed in para '216' of the case diary, it is only that they were seen at specific time but at that time, the deceased was not with them. It has further been submitted that one co-accused Isharqarul Haque whose name has surfaced during confession, has already been granted bail by this Court vide Cr. Misc. No. 20681 of 2026. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 01.12.2025.

5. Learned APP appearing for the State and learned



counsel for the informant have vehemently opposed the prayer of regular bail. Learned counsel for the informant has submitted that during course of investigation, this petitioner has given his confessional statement and has admitted his guilt. It has further been submitted that in C.C.T.V. Footage, they were also identified. Learned counsel for the informant has further submitted that prayer for bail of similarly situated co-accused Chand Babu @ Md. Chand @ Guffo whose name has also surfaced in the confessional statement, has been rejected by learned Co-ordinate Bench of this Court vide Cr. Misc. No. 22194 of 2026.

6. Having heard learned counsel for the parties and considering the 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 Andhara Thari (Andhrathadi) P.S. Case No. 76 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 Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani.

(Ashok Kumar Pandey, J)

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