

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25107 of 2026

Arising Out of PS. Case No.-523 Year-2025 Thana- NOORSARAI District- Nalanda

Pramod Chauhan @ Pramod Kumar, S/o- Janardan Chauhan, R/v-
Noniyabigha, P.S- Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-07-2026 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Noorsarai P.S. Case No. 523 of 2025 registered for the offences punishable under Sections 103(1), 61 and 238 of the Bharatiya Nyaya Sanhita, 2023.

3. The informant, who happens to be the *Chaukidar*, on a secret information found the dead body of a lady of village Noniyabigha and in course of enquiry he came to know that the deceased had some affair with a boy, due to which her family members has caused the death of the deceased.

4. Learned Advocate for the petitioner submitted that the entire case is based on suspicion. Moreover, the petitioner is not named in the F.I.R., however, during the course of



investigation, the statement of the mother and brother of the deceased was recorded wherein they have categorically stated that after causing the death of the deceased, they called upon some of the family members, including the petitioner, for disposal of the body. Referring thereto, it is submitted that though the confessional statement of the accused recorded by the police in judicial custody is not admissible in the eyes of law, however, even for the sake of argument, if the same is accepted, the only allegation against the petitioner is of causing disappearance of the dead body and, as such, only offence, which is made out is under Section 238 of the of the Bharatiya Nyaya Sanhita, 2023, which is bailable. He further submits that only because of the fact that the petitioner happens to be the uncle of the deceased, his name has been implicated in this case by the investigating officer. The petitioner bears fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the confessional statement of the mother and brother of the deceased clearly reveals about the complicity of the petitioner in the crime.

6. Having considered the submissions made on behalf of the learned Advocate for the respective parties and taking



note of the fact that the petitioner is not named in the F.I.R. and the entire case is based on suspicion, the confessional statement only reveals the complicity of the petitioner in disposing of the dead body, which offence appears to be bailable in nature, coupled with the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released 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 Judicial Magistrate, 1st Class, Bihar Sharif, Nalanda in connection with Noorsarai P.S. Case No. 523 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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