

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29159 of 2026

Arising Out of PS. Case No.-24 Year-2026 Thana- Jaitpur District- Muzaffarpur

Shyamnath Bhagat @ Shyam Nath Bhagat S/O Late Jaynandan Bhagat R/O
Vill.- Karja @ Karja Nayatola, P.S.- Karja, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Satendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-07-2026 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Jaintpur P.S. Case No. 24 of 2026, registered for the
offences punishable under Sections 103(1) of the B.N.S.

3. Allegedly on 04.02.2026, the informant has
received a call that her husband would arrive in Muzaffarpur
shortly, as he was coming to his house after taking leave from
the work. When her husband did not return in the morning, she
made repeated calls in his mobile, but the same was found
switched off. Subsequently, she received an information from a
villager that the dead body of her husband was found thrown in
a secluded place. The informant rushed there and found the dead
body of her husband; she suspected the hands of unknown
persons in causing the death of her husband.

4. Learned Advocate for the petitioner submitted that



the FIR has been instituted against unknown miscreants. However, during the course of investigation, one Santosh Kumar was apprehended, whose statement was recorded before the police, wherein he has confessed that he, along with one Sudhir, in course of taking liquor, entered into a *maar-pit* along with the deceased, due to which he sustained unfortunate injuries, which proved fatal. Thereafter, co-accused Santosh Kumar called upon his friend Abhimanyu Kumar, who had in turn informed his uncle(petitioner), and thereupon all of them, by keeping the dead body in a pick-up van, went on a secluded place and thrown the dead body. Learned Advocate for the petitioner referring to the confessional statement submitted that even if the confessional statement is taken to be true, there is no allegation that the petitioner was instrumental in causing death of the deceased, and even if for the sake of argument the same is accepted, the offence, which can hardly be made out against the petitioner, is of causing disappearance of evidence of offence or giving false information to screening offender, and thus constituting an offence under Section 238 of the BNS 2023, which is bailable in nature.

5. On the other hand, learned Advocate for the State submitted that the petitioner has played an active role in causing disappearance of the dead body of the deceased and, as such, his



complicity cannot be denied.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that there is no cogent material collected during the course of investigation, except the confessional statement, which only suggests about the allegation of causing disappearance of the dead body of the deceased, besides the fair antecedent of the petitioner, and the offence, even if taken to be true against the petitioner prima facie appears to be bailable in nature, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Muzaffarpur (west) in connection with Jaintpur P.S. Case No. 24 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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