

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40486 of 2026

Arising Out of PS. Case No.-230 Year-2023 Thana- ARARIA District- Araria

Muluknath Ram Son of Durbal Ram Resident of Village- Lahthan, P.S.-
Agiaaw Bazar, District- Ara (Bhojpur), Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shalini Rajee, Adv.

Mr. Rishup, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 01-07-2026 Heard Ms. Shalini Rajee, learned Advocate for the
petitioner and learned Additional Public Prosecutor for the
State.

2. The petitioner apprehends his arrest in connection
with Araria P.S. Case No. 230 of 2023, registered for the
offences punishable under Sections 406/409/201/34 of the
Indian Penal Code.

3. The allegation against the petitioner is of
committing dereliction of duty and misusing his official position
to screen a murder accused and cause the disappearance of
evidence with the intention of saving the accused from
punishment.

4. Learned Advocate for the petitioner submitted that
in fact while the petitioner was working as an Investigating



Officer in connection with Araria P.S. Case No. 525 of 2020, he prepared inquest report and the dead body was sent for postmortem with the Chowkidar to Sadar Hospital, Araria. Later on, when the petitioner went to Sadar Hospital Araria, he came to know that the viscera was preserved and handed over to Chowkidar, Phatkan Paswan, which fact also fortified from the postmortem. Since the petitioner was immediately suspended by the Superintendent of Police, Araria due to which the petitioner handed over the charge of Investigating Officer to the newly appointed Investigating Officer and, therefore, the allegations of dereliction of duty, abuse of his official position, and causing the disappearance of evidence are not made out against him. It is further contended that the petitioner has now superannuated, and during his entire service career, no criminal case was ever instituted against him, as is evident from paragraph 3 of the bail application. Since it is a case of dereliction of duty, any departmental proceedings, if initiated against the petitioner, shall be faced by him.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner has disappeared the evidence to save the accused from punishment and thus the allegation appears to be serious in



nature; moreover the petitioner was discharging his duty as Investigating Officer.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially the fact that now the petitioner has already superannuated and during the course of investigation it has come that it is the Chowkidar, who has received the viscera report and the petitioner has all along fair antecedent and he is ready to cooperate in the proceeding of the court, let the petitioner abovenamed 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 230 of 2023, 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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