IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46382 of 2026

CNR No. BRHC010680242026

Arising Out of PS. Case No.-79 Year-2026 Thana- GARKHA District- Saran

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1. Prashuram Ram @ Prabhu Ram S/o Ram Naresh Ram R/o vill - Matkhaua, P.S.- Garkha, Distt.- Saran at Chapra
2. Parwati Devi W/o Prashuram Ram @ Prabhu Ram R/o vill - Matkhaua, P.S.- Garkha, Distt.- Saran at Chapra

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 48334 of 2026

CNR No. BRHC010680242026

Arising Out of PS. Case No.-79 Year-2026 Thana- GARKHA District- Saran

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Mithai Kumar S/o Prashuram Ram @ Prabhu Ram R/o Vill- Matkhaua, P.S.- Garkha, Distt- Saran at Chapra (Bihar)

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 46382 of 2026)
For the Petitioner/s : Mr. Rakesh Kumar, Advocate
Mr. Ravi Kumar, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP-34
(In CRIMINAL MISCELLANEOUS No. 48334 of 2026)
For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

3 29-10-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutors for the State.

2. The petitioners have prayed for bail in a case

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registered for the offence punishable under Sections 103(1), 238(a), 61(2)(a) and 303(2) of the B.N.S.

3. The case of the prosecution, in short, is that the brother of the informant was called by F.I.R. named accused persons with them and when he did not return in night, he was searched. On next day at 6:00 A.M., the body of the deceased was found in a ditch.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. Learned counsel for the petitioners has further submitted that from perusal of the F.I.R. it will transpire that the name of petitioners Prashuram Ram and Parwati Devi is not there in the F.I.R. whereas name of petitioner Mithai Kumar is there. The name of petitioners Prashuram Ram and Parwati Devi has surfaced on the basis of confessional statement of petitioner Mithai Kumar. It has further been submitted that during course of investigation, Mithai Kumar has given his confessional statement and in his confessional statement, he has stated that the deceased was having illicit relationship with his sister and that the sister of Mithai Kumar called the deceased in the night whereafter, he was being killed by Mithai Kumar and other accused persons.

5. Learned counsel for the petitioners has further

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submitted that the manner of the occurrence as provided in the F.I.R. is quite different from the version of the confessional statement. It has further been submitted that in this case, inquest report of the deceased was prepared at 10.30 A.M. on 24.01.2026 whereas the F.I.R. was lodged on same day of occurrence at 9:00 P.M. It has further been submitted that the inquest report bears the signature of the brother of the informant and at that time, no information was given to police by the informant. This F.I.R. is afterthought. It has further been submitted that save and except the confessional statement, there is nothing against the petitioners. The C.D.R. of the mobile of the deceased and sister of the petitioner Mithai Kumar was not collected to show that the deceased was called by the sister of the petitioner Mithai Kumar. Petitioners Prashuram Ram and Parwati Devi have been framed in this case only on the basis that they are parents of petitioner Mithai Kumar. There is no allegation against them. Petitioners are having no criminal antecedent and they are languishing in judicial custody since 25.01.2026..

6. Learned Additional Public Prosecutors for the State have vehemently opposed the prayer for bail.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named

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petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Garkha P.S. Case No.79 of 2026.

(Ashok Kumar Pandey, J)

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