IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53888 of 2026

CNR No. BRHC010752702026

Arising Out of PS. Case No.-138 Year-2025 Thana- LAUHIYANAGAR District- Begusarai

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Prakash Kumar, S/o Chhotu Singh, R/o Mohalla - Tilaknagar, Mungeriganj, Sanskar Vatika Marg (Sanskar Vatika), Ward No. 32, P.S - Town, District - Begusarai

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP
For the Informant : Mr. Gaurav Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

5 27-10-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State duly assisted by learned counsel for the informant.

2. The accused/petitioner seeks bail in connection with Sessions Trial No.386 of 2026 arising out of Lohiya Nagar P.S. Case No.138 of 2025 registered for the offences punishable under Sections 140(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'B.N.S.') but, later on, Sections 140(3), 103(1), 238 read with 3(5) of the B.N.S were added in the FIR.

3. The accused/petitioner is not named in the FIR and is in custody since 27.12.2025.

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4. As per FIR, the brother of informant, who was running his mobile shop under the name and style of M/s. J.S.R.U. Enterprises proceeded for his home after closing his shop at about 10.40 P.M. on 23.12.2025 but, he could not reached home. When the informant called him on his mobile bearing No.7004461758 of Jio company, it was found switched off. Subsequently, the brother of informant was found murdered.

5. Mr. Sandip Kumar Gautam, learned counsel appearing for the petitioner submitted that the petitioner was not named in the FIR and he was implicated on the basis of CCTV footage. It is further submitted that after arresting, the confessional statement of petitioner was recorded, where he stated that it was co-accused persons, who assaulted the deceased and he was only driving the vehicle. It is pointed out that at best the allegation against petitioner is of destroying evidence i.e. disposing of dead body.

6. Arguing further, it is pointed out by learned counsel that the occurrence took place in spur of moment without any planning and, therefore, it cannot be said that

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the petitioner was under intention to cause death of the deceased brother of the informant. In this context, it is submitted that other co-accused persons have confessed before the police that they were actually involved in assaulting the deceased brother of the informant and not this petitioner.

7. Arguing further, it is submitted by learned counsel that as per confessional statement of co-accused persons, the assault was made by one of the co-accused namely, Saurabh Kumar, who also confessed the same through his confessional statement, wherein it is specifically stated that the assault was made by using the key of the vehicle and if it was so, then, certainly the nature of wound must be of punctured or pointed, which appears not corroborating from postmortem report as it categorically speaks that same is lacerated in nature which creates a doubt *qua* occurrence and manner of assault for the reason that the autopsy report stated that the cause of death was due to assault made by hard and blunt object. While concluding argument, it is submitted that investigation of

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this case has already concluded, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover the petitioner is a man of clean antecedent.

8. Learned APP duly assisted by Mr. Gaurav Kumar, learned counsel for the informant while opposing the prayer of bail submitted that it was a cold blooded murder, where brother of informant was killed in very planned and formulated manner. In support of his submission, learned counsel appearing for the informant submitted that the entire occurrence was captured in CCTV footage, as per paragraph no.21 of the case diary, suggesting that all three persons, who were with deceased, were involved in assaulting the deceased during the occurrence. It is pointed out that the petitioner was identified from the CCTV footage and in support of same, the learned counsel drawn attention of this Court towards para-31 of the case diary. It is further submitted by learned counsel that the dead body of deceased brother of informant was found only on the basis of disclosure made by this petitioner and in support of this

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submission, learned counsel has drawn attention of this Court towards paragraph no.78 of the case diary.

9. Arguing further, learned counsel appearing for informant submitted that the brother of informant was not died only due to key injury in terms of confession, rather he died due to brutal assault, which can be gathered from the postmortem report also, where during internal examination, it was opined by the doctor that skull of the deceased was fractured in its frontal part, whereas multiple ribs were fractured on both sides and blood clots found under skin of chest. It is submitted that all such injuries cannot be caused by key injury and, therefore, the finding of postmortem report that the fatal injury was caused due to heavy hard and blunt object appears convincing. It is submitted that beside all such internal injuries, two external injuries were also noticed i.e. the lacerated wound over both side forehead, both cheek and lower lip and also skin peeled off all over abdomen and left hand.

10. Arguing further, it is submitted that the bail prayer of one of the co-accused namely, Saurabh Kumar has

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already been rejected by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.45766 of 2026 dated 06.10.2026.

11. Taking note of aforesaid argument, it is further submitted by learned counsel appearing for the petitioner that from the referred paragraphs regarding CCTV footage, it can be gathered safely that there was no heavy and hard object weapon was found in the hand of any of the co-accused persons and, therefore, the allegation appears non-convincing. It is submitted that co-accused Saurabh Kumar, whose bail was rejected by the learned co-ordinate Bench of this Court was given liberty to renew his prayer for bail if trial is not concluded within four months.

12. In view of aforesaid factual submissions and by taking note of fact, as the CCTV footage, as discussed aforesaid, categorically suggest that all three persons including petitioner were involved in assaulting the deceased, resulting to multiple fractures, which proved fatal, coupled with the fact that the dead body of the deceased brother of informant was recovered on instance of this petitioner,

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accordingly, the prayer for bail of petitioner stands rejected.

13. However, taking note of the parity of liberty as granted to co-accused Saurabh Kumar by one of the learned co-ordinate Bench of this Court, as discussed aforesaid, if trial of this case is not concluded within six months, as of now, the petitioner may renew his prayer for bail before learned trial court itself.

(Chandra Shekhar Jha, J.)

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