IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54116 of 2026
CNR No. BRHC010759852026
Arising Out of PS. Case No.-38 Year-2025 Thana- HAJIPUR SADAR District- Vaishali

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Subham Patel S/o Pancham Patel R/o Mohalla- Hathsarganj, Babu Tola, Anjanpir, P.S.- Hajipur Town, Dist.- Vaishali

... ... Petitioner

Versus

The State of Bihar ... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Pranav Kumar, Adv.
: Mr. Rajeev Ranjan No. II, Adv.
: Mr. Mithilesh Kumar Jha, Adv.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

5 27-10-2026 Heard the parties.

2. The accused/petitioner seeks bail in connection with Hajipur Sadar P.S. Case No.38 of 2025 registered for the offences punishable under Section 140(3) of the B.N.S.

3. The accused/petitioner is not named in the FIR and is in custody since 18.03.2026.

4. As per FIR, named co-accused persons suspected to commit murder of the son of the informant due to previous enmities.

5. It is submitted by learned counsel appearing for the petitioner that the informant raised suspicion through FIR against 10 named co-accused persons as to commit murder of her son. It is pointed out that subsequently, a dead body after 15 days was found under jurisdiction of Sarai Police Station for

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which U.D. Case No.01 of 2025 was lodged. It is further submitted that in connection of said U.D. Case, one co-accused namely, Anshu Kumar @ Sudama was apprehended. It is further submitted that the arrest of said co-accused, Anshu Kumar @ Sudama was made by the police to solve the case particularly when a direction was issued by this Court in its writ jurisdiction to trace out the son of the informant. It is further submitted that on the basis of the confessional statement of said co-accused, Anshu Kumar @ Sudama, the name of this petitioner was transpired during the course of investigation, in furtherance of which no incriminating material recovered/surfaced as to connect this petitioner with present crime in question.

6. Arguing further, it is submitted by learned counsel for the petitioner that the dead body which was found by Sarai Police was not identified by anyone including the informant as it was the body of her son. In this connection, even police failed to follow the protocol as neither the photograph of the dead body nor the videography was made, and therefore, in such view of matter, it cannot be said with certainty that the dead body which was found by Sarai Police was the body of

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the son of the informant.

7. While concluding argument, it is submitted that investigation of this case has already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. Explaining criminal antecedent, it is submitted that petitioner found involved in one more criminal case which is of different in nature, in which he is on bail.

8. Learned APP duly assisted by learned counsel appearing for the informant while opposing the prayer of bail submitted that this petitioner also confessed to commit murder of the son of the informant beside the confession of co-accused person, however he could not disputed the submission regarding non-identification of the dead body as advanced by learned counsel appearing for the petitioner.

9. In view of aforesaid factual submissions and by taking note of fact as *prima-facie* save and except suspicion arising out of confessional statement of co-accused, nothing incriminating appears during investigation as to connect this petitioner with present occurrence of murder, coupled with the fact that investigation of this case has already completed,

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wherein petitioner remains in custody since 18.03.2026, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.38 of 2025, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (in short 'BNSS') and with further conditions:-

(i) That the petitioner shall co-operate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance of the petitioner be allowed by the learned Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That the petitioner shall not make any deliberate attempt to delay the trial or to influence the witnesses of the case in any manner failing which, the informant/State shall be at liberty to press the petition before the learned trial court itself for the cancellation of bail bond of the petitioner, which shall be decided by the learned trial court itself giving an opportunity of hearing to the petitioner.

(Chandra Shekhar Jha, J.)

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