# IN THE HIGH COURT OF JUDICATURE AT PATNA
## CRIMINAL MISCELLANEOUS No.61399 of 2026

**CNR No. BRHC010830262026**

Arising Out of PS. Case No.-224 Year-2026 Thana- PARBATTA District- Khagaria

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Md. Sultan @ Md. Multan @ Multani @ Md. Sultan Um Son of Md. Farid @ Mohd. Multan Resident of Village- Dumar Kothi, P.S.- Parbatta (Madaiya), District- Khagaria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

## CRIMINAL MISCELLANEOUS No. 58630 of 2026

**CNR No. BRHC010830262026**

Arising Out of PS. Case No.-224 Year-2026 Thana- PARBATTA District- Khagaria

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1. Sarvesh Das S/O Jai Kishor Das R/O Vill.- Parbatta, P.s.- Parbatta, Dist.- Khagaria.
2. Hitesh Das S/O Jai Kishor Das R/O Vill.- Parbatta, P.s.- Parbatta, Dist.- Khagaria.

... ... Petitioner/s

Versus

The State of Bihar PATNA

... ... Opposite Party/s

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with

## CRIMINAL MISCELLANEOUS No. 66657 of 2026

**CNR No. BRHC010830262026**

Arising Out of PS. Case No.-224 Year-2026 Thana- PARBATTA District- Khagaria

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1. Kayam Uddin @ Qayam Uddin @ Mohammad Keyamuddin S/o Bayhe Uddin Resident of Village - Therwa, P.S. - Chautham, Dist. - Khagaria.
2. Md. Mustkim @ Mohd. Mustaqeem S/o Mohd. Qayam Udden @ Mohammad Keyamuddin Resident of Village - Therwa, P.S. - Chautham, Dist. - Khagaria.
3. Md. Soyal @ Md. Soyal Alam @ Mohd. Sohel @ Sohel Yadav S/o Mohd. Qayam Udden @ Mohammad Keyamuddin Resident of Village - Therwa, P.S. - Chautham, Dist. - Khagaria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**

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(In CRIMINAL MISCELLANEOUS No. 61399 of 2026)
For the Petitioner/s : Mr. N A Shamsi, Adv.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP.
For the Informant : Mr. Praven Kr. Agrawal, Adv.
Mr, Santosh Kumar, Adv.
(In CRIMINAL MISCELLANEOUS No. 58630 of 2026)
For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Sanjeev Kumar Nirala, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP.
For the Informant : Mr. Praven Kr. Agrawal, Adv.
Mr. Santosh Kumar, Adv.
(In CRIMINAL MISCELLANEOUS No. 66657 of 2026)
For the Petitioner/s : Mr. Aditya Kumar, Adv.
For the Opposite Party/s : Mrs. Nirmala Kumari, APP.
For the Informant : Mr. Praven Kr. Agrawal, Adv.
Mr. Santosh Kumar, Adv.
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**CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR**

ORAL ORDER

5 06-11-2026 All these cases arise out of the same case, i.e., Parbatta P.S. Case No. 224 of 2026, and, accordingly, all three cases are being heard conjointly and disposed of by this common order.61399

2. Heard learned counsel for the petitioners, learned counsel for the informant, as well as the learned APP for the State in all three cases

3. Learned counsel for the petitioner, Kayam Uddin @ Qayam Uddin @ Mohammad Keyamuddin, has submitted that Cr. Misc. No. 66657 of 2026 was also directed to be tagged with the present case but the same is not reflected in the cause list. From the office notes dated 05-11-2026 also, it appears that Cr. Misc. No. 66657 of 2026 be tagged with Cr. Misc. No. 61399 of 2026. From perusal of the order dated 04-

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11-2026, the submission of the petitioner appears to be correct and accordingly, Cr. Misc. No. 66657 of 2026 is deemed to be tagged with Cr. Misc. No. 61399 of 2026.

4. The petitioners are seeking regular bail in connection with Parbatta P.S. Case No. 224 of 2026, registered for the offences punishable under Section 103(1), 238, 61(2) and 3(5) of the BNS.

5. As per the prosecution case, it is alleged that on 02.06.2026, at about 3:00 A.M., Ajay Das, the husband of the informant, aged about 40 years, had gone towards the Lagaar Road carrying a spade (shovel) after feeding his cattle. When he did not return home till 4:00 A.M., the informant informed her father-in-law, whereafter a search was conducted with the help of villagers. During the search, the husband of the informant was found dead inside a well situated in the orchard of Brahmdev Das. It is further alleged that the petitioners, in furtherance of their common conspiracy, assaulted the deceased with bricks, lathi and danda, causing his death and thereafter, threw his dead body into the well. It is also alleged that a gold necklace containing four gold discs weighing approximately two bhar, which the deceased was wearing around his neck, was found missing. The petitioner Md.

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Sultan is further alleged to have returned the bag of the deceased to the informant from his hut.

**Cr. Misc. No. 61399 of 2026.**

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that although the petitioner has been named in the FIR and suspicion has been raised against him as he happens to be the caretaker of the orchard and had merely handed over the bag belonging to the deceased to the informant. It is contended that this conduct of the petitioner demonstrates his bona fides, as had he been involved in the commission of such an offence, he would never have made any attempt to return the bag of the deceased to the informant. It is further submitted that there is no specific allegation of assault or of causing the death of the deceased against the petitioner. No incriminating article has been recovered from his conscious possession, nor was there any previous enmity between the parties. Learned counsel has also submitted that during course of investigation, the independent witnesses have merely stated that they had heard that the deceased was in the habit of plucking mangoes during the night and that, in this context, the accused persons named

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in the FIR had allegedly killed him. It is next submitted that there are no eyewitness or direct evidence regarding the commission of the alleged offence by the accused persons. It is further contended that no motive can be attributed to the petitioner. The allegation of conspiracy is assigned to Vedanand Das and Sikandra Das while petitioner alongwith others have allegedly disposed of dead body but there are no eye witness to substantiate the allegation, it is only hearsay and thus the said allegation falls under Section 238 of the BNS [201 of the IPC], which is bailable. It is also submitted that the petitioner has clean antecedent and, has been in judicial custody since 03.06.2026. Lastly, learned counsel for the petitioner undertakes that the petitioner shall cooperate with the trial.

**Cr. Misc. No. 58630 of 2026.**

7. Learned counsel for the petitioners have submitted that the petitioners are innocent and have falsely been implicated in the present case merely on the basis of suspicion. It is further submitted that neither the informant nor her brother-in-law is an eyewitness to the alleged murder. No incriminating article has been recovered from the conscious possession of the petitioners. He has further submitted that if

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the allegation assumed to be true, then also, there is no specific allegation against the petitioners, rather general and omnibus allegation has been levelled against them of conspiracy without any eye witness or direct evidence and there is no agreement between the accused persons to commit the offence as alleged. Thus, allegation of criminal conspiracy is without any cogent material. It is also submitted that the petitioners have clean antecedents and, have been in judicial custody since 03.06.2026. Lastly, learned counsel for the petitioners undertakes that the petitioners shall cooperate with the trial.

**Cr. Misc. No. 66657 of 2026.**

8. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case merely on suspicion. It has further been submitted that neither the informant nor any family members are eyewitnesses to the alleged occurrence. It is further submitted that altogether eight persons have been implicated in the present case merely on suspicion without having any specific allegation or motive for the alleged murder. During the course of investigation, independent witnesses have stated that the mango orchard had been taken on lease by Md. Ikram,

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wherein Veda Nand Das and Sikandar Das were engaged as watchmen, and that the deceased had allegedly been assaulted when he was plucking mangoes. Allegation against petitioners are of disposing the dead body of deceased without any eye witness. The witnesses have also stated that the deceased was suffering from heart ailment. Hence, no specific overt act or cogent evidence has been attributed to the petitioners establishing their involvement in the alleged murder. It is also submitted that the petitioners have clean antecedents and, have been in judicial custody since 03.06.2026. Lastly, learned counsel for the petitioners undertakes that the petitioners shall cooperate with the trial.

9. On the other hand, the learned counsel for the informant and the learned APP for the State in all these cases, have opposed the prayer for bail and points out paragraphs 7, 8, 9, 13 and 109 of the case diary, in which, some witnesses on the basis of hearsay information have drawn a presumption against Vedanand Das and Sikandar Das in conspiracy had killed the deceased, when he had gone to pluck mangoes from the orchard while the remaining petitioners have disposed of the dead body. However, they have fairly conceded that there is no direct evidence against the petitioners and that there are

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no eye witnesses to the occurrence, in question.

10. Considered the rival submissions advanced on behalf of the parties and taking into account the facts and circumstances of the cases, this Court is of the view that there being no eye witness and direct evidence and as well as clean antecedent of the petitioners as well as in the post-mortem report, cause of death having not been ascertained, they are entitled to be enlarged on bail and hence, prayer for bail of all the petitioners is allowed. Accordingly, let the petitioners above-named, be enlarged on bail on furnishing bail bond and on doing so, the court below shall release the petitioners on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned ACJM-I/ concerned Court, Khagaria in connection with Parbatta P.S. Case No. 224 of 2026, subject to the following conditions:-

(i) The petitioners shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioners will appear on each and every date fixed by the trial court and if, they fail to do so on two

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consecutive dates, unless they are prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioners.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioners and if they are found involved in any case other than the present one, their bail bond will not be accepted.

(v) It is also made clear that there shall be no delay beyond a period of ten days in verifying the criminal antecedents of the petitioners.

(vi) If they repeat any offence of similar nature, their bail bond shall be liable to be cancelled immediately by the learned court below.

**(Raj Kumar, J)**

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