

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68608 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- Chhaudahi District- Begusarai

Dilkhus Kumar @ Dilwa S/O Rambabu Yadav Resident of Village- Rajapur,
Police Station- Garhpura, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pratik, Advocate
For the Informant	:	Ms. Shrishti Rani, Advocate
For the State	:	Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 20-02-2026 Heard Mr. Pratik, learned counsel appearing on behalf of the petitioner; Mr. Satyendra Prasad, learned APP for the State and Ms. Shrishti Rani, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Chhaurahi P.S. Case No. 62 of 2025, registered for the offence punishable under Sections 103(1) and 3(5) of the B.N.S.

3. Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner has surfaced on the basis of confessional statement of one co-accused Sajjan Kumar, from whose possession mobile phone bearing no. 9507030517 was recovered, which C.D.R. report confirms that the said Sajjan Kumar was in contact with the deceased, whose



mobile phone number is 6200415144. He further submitted that save and except the confessional statement of co-accused Sajjan Kumar, nothing has been collected in course of investigation against the petitioner. The C.D.R. report of the mobile phone of the co-accused Sajjan Kumar reflects that he was in contact with the petitioner's mobile phone no. 7009705040 four time on the alleged date of commission of murder i.e. on 05.06.2025 but the same doesn't reflects that petitioner was in contact with him anytime before the alleged date of commission of offence. There is no specific material on record to demonstrate that the said mobile number, which is not registered in the name of the petitioner, was being used by the petitioner. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

4. *Per contra*, learned A.P.P. appearing on behalf of the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and referring to paragraph no. 54 of the case diary submitted that the name of the petitioner has surfaced on the basis of confessional statement of co-accused Sajjan Kumar, who was in contact with the petitioner regularly on the date of alleged commission of murder i.e. on 05.06.2025 and the same is supported by their C.D.R. report mentioned at paragraph



no. 162 of the case diary. He further submitted that petitioner has not made out a case to be released on pre-arrest bail.

5. Adopting the argument of the learned A.P.P., learned counsel for the informant submitted that there are materials, which have come against the petitioner and petitioner's complicity cannot be denied in the commission of alleged murder.

6. Having heard the rival submissions made on behalf of the parties and upon perusal of the allegations made in the FIR, as well as the case diary, it appears that certain materials have surfaced against the petitioner during the course of investigation that on the alleged date of commission of murder i.e. on 05.06.2025, the petitioner was in repeated telephonic contact with the co-accused, Sajan Kumar on his mobile phone bearing no. 9507030517. However, it is not clearly established whether the mobile phone bearing No. 7009705040, which is alleged to have been used by the petitioner, can conclusively link him with crime. The Investigating Officer has not been able to collect any Call Detail Records (CDR) indicating that prior to the alleged date of occurrence, the petitioner was in contact with the co-accused, Sajan Kumar. However, in the absence of cogent and reliable material collected during the course of



investigation, which is still ongoing, it would be premature to conclude, solely on the basis of circumstantial evidence, that the petitioner has made out a case for grant of pre-arrest bail.

7. However, the petitioner, if so advised, may surrender before the learned District Court and seek regular bail. In that case, the learned District Court is directed to consider his bail application on the same day and pass necessary order on the basis of material collected in course of investigation, as well as, considering the settled principle of law that on mere suspicion, the petitioner has been made accused in the present case, whose name has surfaced on the basis of confessional statement made by co-accused.

8. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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