

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73119 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

Sandesh Kumar Son of Baldev Singh @ Valdev Singh Resident of Village -
Sallehpur, Police Station - Vishambharpur, District – Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kr. Sinha, Adv. Mr. Thakur Brajesh Singh, Adv. Mr. Tooba Heera, Adv.
For the Opposite Party/s :		Dr. Indihar Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. A prayer for bail has been made on behalf of the petitioner in connection with Vishambharpur P.S. Case no.96 of 2025 registered under section 137(2) of BNS, 2023.

3. Allegation in the F.I.R is that on 02.05.2025 the informant's husband left home but did not return and subsequently, his dead body was recovered in a sugar cane field.

4. Learned counsel for the petitioner submits that FIR was lodged after a delay of two days and the same was lodged against unknown persons. Subsequently, during course of investigation, the petitioner was subjected to custodial torture



and was forced to give confessional statement showing his complicity and also showing the use of towel for the murder which was subsequently shown to be recovered from the place of occurrence. It has further been submitted that such confessional statement taken by the police has no evidentiary value in the eye of law. So far as recovery on the basis of confessional statement is concerned, the inquest report of the deceased has been brought on record to the notice of this Court which was prepared on 04.05.2025 and the same indicates that a towel was already found besides the dead body. As such, the present case is not one of confessional statement leading to recovery. It has further been submitted that petitioner is a young boy and he is in custody since 19.05.2025. He undertakes to cooperate in the case/trial and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State on the ground that there are allegations against the petitioner and the oral evidence stands corroborated by the medical evidence.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering that the factum of delay in lodging of the F.I.R. that too against unknown



persons and there is no other material available against this petitioner except his confession before police which has no evidentiary value in the eye of law, the petitioner is directed to be enlarged on bail in connection with Vishambharpur P.S. Case no.96 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court on the following conditions:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) The petitioner shall remain physically present in the learned trial Court on each date and shall cooperate in the trial. In case the petitioner is absent on the two consecutive dates without sufficient reasons, the learned trial Court would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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