

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73061 of 2025

Arising Out of PS. Case No.-519 Year-2024 Thana- DIGHA District- Patna

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Pankaj Rai @ Pankaj Ray @ Pankaj Kumar S/o- Ashok Ray Resident of
Ramji chak, Yadav Gali, PS- Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 56716 of 2025

Arising Out of PS. Case No.-519 Year-2024 Thana- DIGHA District- Patna

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Binay Kumar @ Vinay Kumar S/o Satya Narayan Ray @ Satya Narayan Rai
Resident of Ramji Chak, Yadav Gali, P.S - Digha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 73061 of 2025)

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
: Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 56716 of 2025)

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
: Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 11-03-2026 As both these bail applications arise out of the same

police station case number, hence they are being heard together

and disposed of by this common order.

2. Heard learned Senior counsel for the petitioners
and learned APP for the State.

3. The petitioners seek bail in a case registered for the
offence punishable under Sections 137(2) of the B.N.S.

4. As per the prosecution case, the allegations against



the petitioners is that they have killed two boys and thrown their bodies in river Ganga.

5. The learned Senior counsel for the petitioners submits that the First Information Report was lodged initially against unknown under Section 137(2) of the B.N.S. and the name of the petitioners transpired subsequently during the course of investigation on the basis of statement of a spy which was made towards identification of petitioner in CCTV footage and the confessional statement of the petitioners, which has no evidentiary value in the eyes of law. It has further been submitted that the First Information Report was also lodged after a delay of four days for which no explanation has been tendered and the F.I.R. was also received in Court as late as on 14.08.2024 although the same was registered on 07.08.2024 and till date neither the dead body has been recovered nor the confessional statement has led to recovery of any other incriminating article. The petitioners have also not been put on T.I. parade although the petitioners were in custody in different case and have been remanded in the present case on 24.12.2024 and since then, they are languishing in custody with no substantial progress in the case.

6. Learned APP for the State opposed the grant of bail on the ground that there is material against the petitioners during the course of investigation and charge-sheet has been



submitted under Section 103 and other provisions of the B.N.S.

7. Taking into consideration the facts and circumstances and considering the factum of delay in lodging the First Information Report, coupled with the fact that the only material available against the petitioners is the confessional statement having no evidentiary value and the CCTV footage which does not disclose any proper identification, let the above named petitioners, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., IX, Patna/concerned Court below in connection with Digha P.S. Case No. 519 of 2024 subject to condition that:-

- (i) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister.
- (ii) The petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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