

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80189 of 2025

Arising Out of PS. Case No.-253 Year-2024 Thana- SANGRAMPUR District- East
Champaran

Muslim Alam, S/o Babuddin Miyan, R/O Village- Dilaman Chhapara, P.S-
Kesariya, Distt.- East Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Priyanka Singh, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 30-01-2026 Heard the parties.

2. Petitioner seeks regular bail in connection with Sangrampur P.S. Case No. 253 of 2024 dated 06.10.2024 registered for the offences punishable under sections 103, 3(5) and 61(2) of the Bharatiya Nyaya Sanhita.

3. The main submissions advanced by petitioner's counsel are that this is the second attempt of the petitioner to get the relief of bail and his earlier prayer for the same relief was rejected by this Court vide order dated 12.05.2025 passed in Cr. Misc. No. 9884/2025 with giving him a liberty to renew his bail prayer after completion of the investigation but there is no progress in the investigation. It is further submitted that the investigating officer has not taken any step to make further investigation from the stage which was present when the petitioner's first prayer was rejected and in this regard, the up-to-date case diary sent by the investigating officer through the trial



court may be perused. It is further submitted that the petitioner is a 21 year old young person, bears no criminal antecedent and has been languishing in jail since 18.10.2024 and he is not named in the FIR. It is lastly submitted that there is no direct evidence to show the petitioner's involvement in the alleged killing and after the petitioner was taken into custody, the police failed to recover any incriminating material from his possession and the main materials, upon which the prosecution is relying for implicating the petitioner, is the confessional statement of co-accused persons, which is not admissible in the eye of law.

4. Though learned APP, while referring to the paragraph Nos. 133 to 139, has opposed the bail prayer of the petitioner but fairly accepts that there is no progress in the investigation after the rejection of the petitioner's earlier prayer and the position of the investigation remains the same as it was when the petitioner's earlier prayer was rejected.

5. Considering the aforesaid submissions and mainly taking into account the lingering attitude of the investigating officer in keeping the investigation pending against the petitioner and the prosecution has not been able to show the subsequent development in the investigation after the rejection of the petitioner's earlier prayer and also keeping into consideration the petitioner's fair and clean antecedent, his custody period which



has been about 15 months and 12 days, coupled with his young age, this Court is inclined to release him on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the court concerned in connection with Sangrampur P.S. Case No. 253 of 2024, on the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.

(2) If the petitioner tampers with the evidence or the witnesses then the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

