IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81336 of 2026

CNR No. BRHC011187172026

Arising Out of PS. Case No.-49 Year-2021 Thana- BEERPUR District- Begusarai

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Kaushal Kumar S/O Ramchandra Sah R/O Village - Asurari, ward no. - 8, P.S- Barauni, District - Begusarai

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Madhuresh Singh, Advocate
For the Informant : Ms. Naina Nancy, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 25-11-2026 Heard Mr. Madhuresh Singh, learned counsel for the petitioner, Ms. Naina Nancy, learned counsel for the Informant and Mr. Jharkhandi Upadhyay, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 29.07.2026, in connection with Birpur P.S. Case No. 49 of 2021, G.R. No. 1114 of 2021, F.I.R. dated 05.04.2021 registered for the offences punishable under Section 302 of the Indian Penal Code.

3. The F.I.R. of the occurrence of murder is against unknown.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely

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implicated in the present case. Initially, the petitioner was not named in the F.I.R. and the name of the petitioner has been transpired during investigation but the police after investigation submitted final form in favour of the petitioner. Thereafter, the informant has filed a protest-cum-complaint petition before the learned Trial Court but after inquiry the same was dismissed then the petitioner has filed Cr. W.J.C. No. 259 of 2022 before the Hon'ble Patna High Court for re-investigation. The Hon'ble High Court vide order dated 08.04.2026 has directed for De-novo/Fresh Investigation and on the basis of that, the petitioner was arrested on 28.07.2026. He further submits that nothing has come during during investigation to suggest the involvement of the petitioner in the present occurrence and during investigation the statement of some persons have been recorded and they have supported the case of the prosecution. Learned counsel for the petitioner further submits that when the earlier investigation was carried out they have kept mum about the incident which suggests that afterthought they have recorded her statement before the police pursuant to the order of this Court and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.07.2026.

5. The learned Additional Public Prosecutor for the

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State as well as learned counsel for the Informant, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that it has come during re-investigation the petitioner was involved in the present occurrence in question.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the petitioner was not named in the F.I.R., initially the police after investigation submitted chargesheet and pursuant to the directin of this Court in Criminal Writ the petitioner has been arrested, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-VII-cum-ACJM-VI, Begusarai in connection with Birpur P.S. Case No. 49 of 2021, G.R. No. 1114 of 2021, subject to the following conditions :-

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

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move

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for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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