

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 85870 of 2025

Arising Out of PS. Case No.-538 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

Gyani Kumar @ Gyanu @ Gyanu Kumar S/O Vijay Singh @ Bijay Singh
R/O Village- Hemra, Bhardwaj Nagar, P.S- Muffasil, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

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

For the Informant : Mr. Kuldeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-02-2026 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Sessions
Trial No. 960 of 2025 arising out of Town P.S. Case No. 538 of
2024 registered for the offences under Sections 103(1), 238(a),
303(2), 3(5), of BNS, 2023.

3. The petitioner is not named in the F.I.R. and is in
custody since 26.02.2025.

4. As per FIR, the son of the informant who is E-
rikshaw driver found missing and, subsequently, his mobile phone
was also found switched off. Informant received information from
police station on 27.09.2024 regarding dead body of her son.

5. Learned counsel appearing on behalf of the petitioner
submitted that implication of this petitioner with present crime in



question is on the basis of confessional statement of Pritam Kumar @ Ghutra who has already granted bail by this Court through Cr. Misc. No. 40986 of 2025 dated 19.08.2025. In this context, it is submitted that if the confessional statement be accepted as true then certainly a gun shot injury must be available on the head of deceased, but upon post-mortem no gun injury as confessed and said to be caused by this petitioner was found upon deceased, rather the cause of death as opined by doctor was “*strangulation*”. In view of same, the entire confessional statement through which the petitioner was implicated with present crime in question appears false.

6. Arguing further, it is submitted that investigation of this case has already completed, and as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.

7. Learned APP duly assisted by Mr. Kuldeep Kumar, learned counsel appearing for the informant, while opposing the prayer of bail could not disputed the aforesaid contradictory factual submission regarding cause of death.

8. In view of aforesaid factual submission and by taking note of fact as death of son of the informant not appears to be caused by gun shot injury as alleged through confessional



statement of co-accused on the basis of which the petitioner was implicated with crime in question, rather same upon post-mortem was opined as “asphyxia due to throttling”, coupled with the fact that investigation of this case is already completed, where petitioner being a man of clean antecedent, remains in custody since 26.02.2025, accordingly above named petitioner, is directed to be released on bail in connection with Sessions Trial No. 960 of 2025 arising out of Town P.S. Case No. 538 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VII, Begusarai/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J)

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