

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86477 of 2025**

Arising Out of PS. Case No.-55 Year-2024 Thana- MOTIPUR District- Muzaffarpur

KRISHNA KUMAR @ KRISHNA SAH Son of Madan Sah R/o Village -
Malikana Bagahi, P.S.- Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
Mr.Masoom Alam, Advocate
Ms. Niraj Prasad Sinha, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER**

3 23-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 302, 201 of
the Indian Penal Code and later one Section 120 (B)/34 of the
Indian Penal Code added.

3. The case of the prosecution is that the dead body
of the son of the informant who was running a tent house, was
found near a railway track.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in



connection with the present case. It is further submitted that the FIR was lodged against unknown miscreants. During the course of investigation, the informant gave his re-statement in paragraph -6 of the case diary. However, in paragraph-46 of the case diary, after seven months of the occurrence, the informant developed a new story and stated that he came to know that the deceased was killed by the petitioner and others, as the deceased was having affair with the daughter of one Dinesh Sha. The informant has stated that he came to know about this fact a few days after the occurrence. It is further submitted that save and except the statement of the informant made after seven months of the occurrence that the petitioner is involved in the commission of the murder of the informant's son, there is nothing on record against him. It is further submitted that similarly situated accused person, namely, Dinesh Sah has already been granted bail by a co-ordinate Bench of this Court vide order dated 11.02.2026 passed in Cr. Misc. No. 83704 of 2025.

5. Learned counsel appearing for the Informant has vehemently opposed the prayer of regular bail, submitting that at paragraph nos. 52 and 53 of the case diary, the witnesses have stated that on the date of the marriage ceremony where the



deceased had worked for tent arrangement, the petitioner was searching for the deceased. It is further submitted that from a perusal of paragraph-70 of the case diary, it transpires that the mobile location of the petitioner was found near the place where the dead body of the deceased was recovered.

6. Per contra, learned counsel for the petitioner submits that so far as the tower location is concerned, the petitioner was also an invite at the said marriage ceremony and therefore, it is natural that his mobile tower location would be reflected in that area. A perusal of paragraph-70 of the case diary, it is clear that only the tower of location was found near the place of occurrence and the place where body of the deceased was recovered. Save and except this, there is nothing against the petitioner. Moreover, the petitioner is languishing in judicial custody since 30.06.2025 having no criminal antecedent.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Motipur P.S. Case No. 55 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Sessions Judge – XVI, Muzaffarpur.

(Ashok Kumar Pandey, J)

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