

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1130 of 2026

Arising Out of PS. Case No.-249 Year-2023 Thana- KHODAWANDPUR District- Begusarai

Rishabh Kumar @ Rishabh Jha S/o Rajesh Jha R/o Village- Bikrampur, PS-
Cheriya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Khodawandpur P.S Case no.249 of 2023 registered for the
offences punishable under Sections 302, 201 and 34 of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases, but then petitioner was
acquitted in both the cases, as such petitioner is a person with
clean antecedent, and the informant alleges that on 27-8-2023,
he received a secret information that a dead body is found
buried in the farm of Prashant Kumar and villagers had gathered
at the place of occurrence, accordingly the informant along with
the police force reached the place of occurrence and the dead



body in presence of the Magistrate was recovered and the same was video-graphed, the deceased was wearing a blue t-shirt and a half pant and there were mark of injuries on the body, from which it appeared that the deceased was murdered by some unknown accused and the body was sent for postmortem.

4. Learned counsel for the petitioner submits that during the course of investigation, it transpired that the name of the deceased is Rohani Nandan and is son of Kari Devi. It is next submitted that Kari Devi, on coming to know that a dead body has been recovered, reached the place of occurrence and identified the body as of her son and thereafter on 16-9-2023, her statement was recorded, wherein she stated that the deceased had left the house on 22-8-2023 and was in contact with her till 24-8-2023, but thereafter the deceased never contacted her, she also revealed that few days back, three miscreants had entered her house with a view to commit loot for which Cheriya Bariyarpur P.S. Case no.101 of 2023 was instituted against three persons including one Ritesh and the accused persons of Cheriya Bariyarpur P.S. Case no.101 of 2023 along with others were threatening the deceased to compromise the case.

5. Learned counsel for the petitioner submits that it absolutely does not stand to reason that if son of Kari Devi was



missing since 24-8-2023 then why she did not institute an FIR promptly, it is also submitted that it was only when the dead body was recovered, thereafter Kari Devi came forward and got her statement recorded. It is next submitted that petitioner is not an accused in Cheriya Bariyarpur P.S. Case no.101 of 2023, as such there was no occasion for the petitioner to give threat to the deceased for compromising the case. It is further submitted that during the course of investigation, Ritesh, who is an accused in Cheriya Bariyarpur P.S. Case no.101 of 2023, was apprehended and he disclosed the name of other accused persons including the petitioner of committing the occurrence of murder of the deceased, as such the name of the petitioner transpired based on confessional statement of Ritesh. It is next submitted that 18 months thereafter, statement of independent witnesses was also recorded by the police who disclosed that the deceased was having an affair with the wife of the petitioner and as such petitioner along with others committed the occurrence of murder. It is further submitted that petitioner was aware of his wife's illicit relationship with the deceased, but then there is no eye-witness to the occurrence and the entire allegation hinges around suspicion that petitioner was also involved in the occurrence based on confessional statement of Ritesh. It is also



submitted that petitioner is in custody since 10.10.2025.

6. Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that Ritesh was an accused in Cheriya Bariyarpur P.S. Case no.101 of 2023. It is next submitted that it has been submitted on behalf of the petitioner that petitioner was not an accused in Cheriya Bariyarpur P.S. Case no.101 of 2023, but then Ritesh was knowing the petitioner, as such, he disclosed his name when he was arrested and during the course of investigation, it also transpired that wife of the petitioner was in an illicit relationship with the deceased and the same was in knowledge of the petitioner, hence petitioner had strong motive for committing the occurrence.

7. Considering the submissions made by the learned APP, the Court is not inclined to release the petitioner on bail.

8. Accordingly, the prayer for bail of the petitioner is rejected

(Satyavrat Verma, J)

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