

In the Court of District & Addl. Sessions Judge-III, Begusarai
Presiding Judge: Brajesh Kumar Singh
B.A No-287/2026
(Arising out of FCI P.S Case No-90/2025)

In the matter of:-

Umesh Sah, s/o-Late Ram Badan Sah @ Badan Sah, aged about-57 yrs, r/o-vill-Bihat, Tola-Maksaspur, Ward No-28, P.S-FCI, District-BegusaraiPetitioner
 Vs.

State of Bihar

.....Prosecution

Ld. Counsel for the petitioner- Sri. Vijay Kumar Maharaj, Ld. Adv
 Ld. Counsel for the State- Sri. Ram Prakash Yadav, Ld. APP

Order

12-03-2026

- 1) The bail application under section 483 of the Bharat Nagrik Suraksha Sanhita ("BNSS") on behalf of accused-Umesh Sah (petitioner) has been preferred inasmuch as he has been in judicial custody since 27.12.2025 in connection with FCI P.S. Case No-90/2025 registered for the offences under sections 137(2), 140(3), 103(1), 238(A)(B), 61(2), 3(5) of the Bharatiya Nyay Sanhita, 2023 ("B.N.S").
- 2) The prosecution story is based on the written report of one, Niraj Kumar (informant), in which he has submitted that his son (Rahul Kumar) went to the boring (borewell for irrigation) from his scooty on 24.12.2025 at about 12.00 PM, and when the informant returned from his duty at about 05.00 PM, he also went to the same boring, and found one, Saket was also present on the boring with the son (Rahul Kumar) of the informant. Thereafter, the informant, again went to his boring at about 07.00 PM, and called Rahul Kumar to come back home, then Rahul Kumar replied that he would return the home soon, but he did not actually return home until 10 P.M, thereafter, at about 10.00 PM, the informant called his son on his mobile, then mobile-phone of Rahul Kumar went switched off. Thereafter, the informant allegedly reached to the house of Saket on 25.12.2025 at about 09.00 AM, then Saket replied that the informant's son-Rahul Kumar went to his house in the night itself. As per informant, on 25.12.2025 at about 05.00 PM, the said scooty was sent back to the house of the informant by some unknown. As per the informant, the informant was getting restless, inasmuch as he did not know the whereabouts of his missing son from 24.12.2025, so the informant approached and requested to the police to find his missing son. The informant has suspected that his son has been

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kidnapped, in which his friends, namely, Chhotu Kumar and Sandeep Kumar may have roles.

- 3) From the perusal of the record, it is clear that the name of this petitioner is conspicuously absent in the FIR. The father of the deceased has named many accused persons, but has not taken the name of this accused person. The omission of the name of this petitioner indicates towards the ex-culpability of this petitioner. This petitioner was not available at the boring with the deceased. The case of this petitioner is distinguishable from the case of the co-accused Saket. From the perusal of the case diary, it appears that the name of this petitioner was for the first time revealed by one of the witnesses-Pankaj Singh as recorded in paragraph no-7 of the case diary, who alleged that the petitioner-accused brought some articles in his hand, and gave it to the deceased-Rahul Kumar, Saket Kumar, Suman Kumar and Raman Kumar. Thereafter, this accused-petitioner was arrested by the police, and his confessional statements were recorded as reflected after para no. 46 in the case diary. In other words, as per the witness-Pankaj Kumar, this petitioner was lastly seen in the company of the deceased, and other accused persons, yet, against this petitioner, there are no other incriminating materials. Moreover, it is trite that the confessional statements before the police or in the police custody have got no evidentiary value in the eyes of law, even the confessional statement of the co-accused has weak evidentiary value. This petitioner-accused has spent already about two and half months in judicial custody. In view of the above matter, I am inclined to direct to release the petitioner on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Id. Court below.
- 4) This B.A No. 287/2026 is hereby allowed.

Dictated

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Brajesh Kumar Singh
Addl. S. J.-III, Begusarai
12-03-2026