

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.75920 of 2018**

Arising Out of PS. Case No.-241 Year-2018 Thana- BIHPUR District- Bhagalpur

Shankar Rai, S/o Late Bilash Rai, Resident of Village -Gauripur, P.S.  
Bihpur, Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dineshwar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Md. Ansarul Haque, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      01-02-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since 11.06.2018 in a case registered for the offence punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of Gannu Rai, recorded by S.I., Suchit Kumar, SHO, Bihpur, Police Station on 09.06.2018 at 7.00 P.M., is to the effect that about 10 months prior to lodging of the present case, co-accused Sukesh Rai, assaulted the son of the informant. On protest being made, the co-accused, Sukesh Rai conveyed the informant that since his son used to obstruct his labourers in harvesting the crops, he will not forbade him. Thereafter, on



08.06.2018, at 10.45, P.M., co-accused Sujesh Chaudhary sent the petitioner Shankar Rai to the house of the informant to call his son. Ultimately, the informant's son went in the company of the petitioner outside the house where co-accused, Gopal Rai and Bittu Chaudhary along with some unknown were present from before and they all took away the son of the informant from there. Next morning, the dead body of the son of the informant was recovered near Latipur Baihiyar bridge. Hence, it is alleged that all the accused persons, including the petitioner have killed the son of the informant. Subsequently, the petitioner confessed his guilt before the police and suggested that he resorted to fire twice on the informant's son since the informant's son had an evil eye over his daughter.

It is submitted by learned counsel for the petitioner that except the confession of the petitioner before the police, there is no direct evidence against the petitioner and confessional statement before the police has no evidential value in the eye of law. It is further submitted that the petitioner confessed to have shot twice at the back of the victim, but only one injury has been found on the back of the victim. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal



antecedent.

Learned APP for the State after going through the case diary submits that the petitioner had motive to kill the son of the informant as the son of the informant had an evil eye on the daughter of the informant. This fact has been corroborated by the statement of one of the witnesses recorded in paragraph no.48 of the case diary.

Considering the confession of the petitioner being corroborated by the medical opinion, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner in connection with Sessions Trial No.753 of 2018 corresponding to Bihpur P.S. Case No. 241 of 2018, pending before the learned 2<sup>nd</sup> Additional District and Sessions Judge, Naugachia (Bhagalpur) is rejected.

However, it is expected from the trial Court to expedite the trial.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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