

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7816 of 2020

Arising Out of PS. Case No.-101 Year-2019 Thana- SANOKHAR District- Bhagalpur

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Bipin Kumar @ Kongress @ Bipeen Kumar S/o Kailash Mahto @ Kalash Mahto Resident of Village - Laxmipur, Post - Sakrama, P.S. - Sanhoula, Sakrawan, District - Bhagalpur, Bihar - 813205.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Atul Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 24-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 18.08.2019 in a case registered for the offences punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Md. Imran submitted to the Station House Officer, Sanokhar P.S., is to the effect that on 09.08.2019, the maternal brother of the informant, Md. Kamrul Hassan was returning home after



seeing his brother-in-law, Md. Abbas off at 7.30 P.M., on the way, maternal brother of the informant was shot dead by unknown, leading to registration of the case against unknown.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR but on the basis of confessional statement of co-accused Sanjay Kumar, the name of the petitioner sprang up in the present case. The investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

However, learned APP appearing for the State submits that on the confession of co-accused Sanjay Kumar, brother of the petitioner, Passion Pro motorcycle of the victim was recovered. The confession of co-accused Sanjay Kumar reflects the involvement of the petitioner in the commission of the offence and on the basis of same, house of Bipin Kumar, the petitioner and co-accused Sanjay Kumar was raided, from where, one country made pistol and mobile phone and one Glamour motorcycle used in the commission of the offence were recovered.

Having heard the parties, considering the fact that the confessional statement of co-accused Sanjay Kumar, not only



led involvement of the petitioner in the commission of the offence but also recovery of the country made pistol used for killing the victim, this Court is not inclined to grant bail to the petitioner in connection with Sanokhar P.S. Case No. 101 of 2019, pending in the Court of learned A.C.J.M.-IX, Bhagalpur.

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

(Dinesh Kumar Singh, J)

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