

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7774 of 2021**

Arising Out of PS. Case No.-434 Year-2020 Thana- LAKHISARAI District- Lakhisarai

ABHIMANYU KUMAR Son of Nakul Prasad Mandal @ Makul Prasad
Mandal Resident of Village-Jagdishpur, P.S.-Jamalpur, District-Munger.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ram Sevak Choudhary, Advocate
For the Informant	:	Mr. Vijay Kumar, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 04-08-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Lakhisarai Ramgarh Chowk P.S. Case No. 434/2020 registered for the offence under Section 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of learned C.J.M., Lakhisarai.

As per the prosecution story, the informant Vimla Devi stated that on 25.08.2020, she received information with regard to the murder of her husband. On this information, informant with others reached at the Sadar Hospital Lakhisarai and have seen her husband's dead body. It is alleged that there was a land dispute between the parties. Informant has alleged that the named accused persons and some unknown accused have made conspiracy and

killed her husband.

Learned counsel for the petitioner submits that this petitioner is residing in the village of his maternal uncle. The co-accused Babloo Kumar who is also the resident of the said village has been made accused in this case and it is he who has made a confessional statement before police in which the name of the petitioner has transpired.

Learned counsel submits that because of the enmity between the family of Babloo Kumar and that of the maternal grand father of this petitioner the name of the petitioner has been brought in this case by Babloo. It is submitted that no incriminating material has been found with regard to involvement of the petitioner in the present case. He has surrendered in this case on 23.09.2020 and has got no criminal antecedent, investigation against him is complete.

On the other hand, learned counsel for the informant as well as learned A.P.P. for the State have submitted before this Court that in course of investigation police has done scientific investigation wherein the dump-data of the mobile phone of the area were collected and on the basis of the mobile phone number the co-accused Babloo Kumar and this petitioner and others were investigated. In course of investigation both Babloo and this petitioner have made confessional statement and the statements led

to recovery of the pistol which was used in the alleged occurrence. In this regard, the materials collected in paragraph 84 and 86 of the case diary have been referred to.

Learned counsel further submits that the seriousness of the offences alleged and the materials collected by the investigating agency, the petitioner does not deserve privilege of bail.

Considering the facts and circumstances of the case, the seriousness of the allegations in which the husband of the informant has been shot dead, the materials in form of confessional statement of the petitioner and the co-accused leading to recovery of revolver and then the mobile call records showing that the petitioner was in regular touch with the co-accused Babloo Kumar in whose confessional statement the name of the petitioner has transpired, this Court is not inclined to release the petitioner on bail.

Prayer for regular bail of the petitioner is, thus, refused.
Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.