

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40442 of 2021**

Arising Out of PS. Case No.-128 Year-2019 Thana- RAJPUR District- Buxar

SERAJ @ BHUAR KHAN S/o Dafdar Ansari R/o Village - Mangraon, P.S. -
Rajpur, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 18-04-2022 Heard Mr. Satyendra Rai, learned counsel for the

petitioner and Mr. Sunil Kumar Pandey, learned Additional

Public Prosecutor for the State.

Petitioner seeks regular bail in connection with Rajpur
PS Case No. 128/2019 registered for the offence punishable
under Sections 302/34 of the IPC.

As per First Information Report, some unknown
criminals killed the son of the informant and his friend while
they were returning on a motorcycle from Punjab National
Bank.

Learned counsel for the petitioner submits that the
FIR is against unknown and the name of the petitioner has
transpired on the basis of his self inculpatory extrajudicial
confessional statement and the confessional statement of the co-



accused persons, namely, Ankesh Kumar Singh and Ajay Kumar @ Gorakh Kumar Singh etc. He further submits that co-accused, Ankesh Kumar *vide* Cr. Misc. No. 24531/2020 and Ajay Kumar @ Gorakh Kumar Singh *vide* Cr. Misc. No. 31142/2020 and one another co-accused, Pankaj Kumar Tiwari *vide* Cr. Misc. No. 15467/2021 have been granted bail by the Benches of this Court. Petitioner is in custody since 12.09.2020.

On the other hand, learned counsel for the State, referring to the case diary, submits that during course of investigation, it has come that petitioner was having various conversations on the date of occurrence on the mobile phone of the co-accused and the tower location of the mobile phone of the petitioner was found near the place of occurrence and in the confessional statement of the petitioner and that of other accused persons, they have disclosed that the petitioner and one Bhim Pandey were the assailants and shot fire upon the son of the informant and his friend due to which, they died. The accused persons also snatched Rs. 3500/- from the victims. He next submits that it is a case of double murder and the charge-sheet has been submitted against the petitioner under Section 396 of the IPC and under Section 27 of the Arms. Act.

Regards being had to the submissions made by the



parties and taking into consideration the material collected during course of investigation and the tower location of the mobile phone of the petitioner was found near the place of occurrence, I am not inclined to grant regular bail to the petitioner. The same is, hereby, dismissed.

(Anil Kumar Sinha, J)

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