

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.50010 of 2021**

Arising Out of PS. Case No.-26 Year-2021 Thana- BARAUNI RAIL P.S. District- Begusarai

Sachin Kumar @ Pankaj, Son of Sri Phekan Mahto, Resident of Village -  
Phulwaria Gachhi Tola, P.S. - Phulwaria, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                         |
|--------------------------|---|---------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Kumar Thakur, Advocate<br>Mr. Shivam, Advocate |
| For the Opposite Party/s | : | Mr. Dr. Ajeet Kumar, APP                                |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

4      28-02-2022                      Heard Mr. Ajay Kumar Thakur, learned counsel for  
the petitioner and Dr. Ajeet Kumar, learned APP for the State.

Let the defect(s), if any, be removed within a period  
of four weeks after complete start of the physical Court.

The petitioner seeks bail in connection with Barauni  
Rail P.S. Case No. 26 of 2021 registered under Sections 302,  
120B of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the  
petitioner is in custody since 05.04.2021, is a person with clean  
antecedent, charge-sheet has been submitted.

The informant alleges that on 24.03.2021 at about  
8.30 P.M. his wife (Sakshi Kumari) called him on his mobile no.  
7366841009 from her mobile no. 7633817423 and informed that



at about 07:30 P.M. she and the sister of the informant (Kajal Kumari) were not at her home and his father (Satish Chaudhary-deceased) was shot by unknown assailant. It is further alleged that the deceased was posted as Technician at Barauni Railway Station. Further the informant alleges that his wife and sister on asking informed that when they were leaving the quarter at that time his father was not at the quarter but when Kajal Kumari reached the quarter she saw her father in a pool of blood and was dead lying on a bed in the Verandah. Further Kajal Kumari informed Sakshi Kumari who had gone to meet her relative in the neighbourhood, thereafter the informant along with his brother reached the place of occurrence and found his father dead.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case, though in the investigation it has come that it was the petitioner along with Sakshi Kumari connived for killing the deceased, but by the death of the deceased no benefit would have accrued to the petitioner, rather benefit could have accrued to Sakshi Kumari, as her husband could have been granted compassionate appointment in place of his father. Learned counsel thus submits that apart from the confessional statement of Sakshi there is



nothing during the course of investigation, which even remotely connect the petitioner with the offence and further that Sakshi Kumari has been granted bail by order dated 03.02.2022 passed in Cr. Misc. No. 51186 of 2021.

Learned counsel for the APP and the informant opposes the bail application and after going through the case diary submits that confession of the petitioner was recorded at para 52 of the case diary wherein the petitioner has given a very vivid description of the occurrence also that the petitioner and Sakshi were known to each other being neighbour and they made a plan that in the event if the deceased is killed Sakshi's husband would get job on compassionate appointment and then he will go to office and Sakshi would be alone in the house and the time would be utilized by the petitioner in meeting her and also that since the deceased was having relationship with two ladies Nidhi and Savita and was more close to Nidhi, as such the blame could easily come on Savita that she being jealous of the relationship of the petitioner with Nidhi, may have killed the deceased.

Learned APP submits that the manner in which the statement of the petitioner has been recorded in the case diary that amply reflects that though the plan was hatched with Sakshi



but the occurrence was committed by him. Learned APP further submits that as far as bail to Sakshi is concerned that was on a different ground that she was a woman and at best she was conspirator in the crime.

Considering the submission made by the learned APP, the Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

**(Satyavrat Verma, J)**

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