

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50537 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

MD. CHAND @ DEEPAK KUMAR S/o- Jahagir Alam R/o Village- Chhapra
Manorath, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-02-2022 Heard Mr. Anish Kumar learned counsel for the
petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with
Muzaffarpur Town P.S. Case No. 13 of 2021 instituted for the
offences under Sections 302 and 394 of the Indian Penal Code
read with section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 21.01.2021 is a person with clean
antecedent, charge-sheet has been submitted in the case and the
informant alleges that on 07.01.2021, he along with his brother
left on a motorcycle from their shop and went to Sikandarpur
Shiv Transport and from there when they left, they were
intercepted by three unknown criminal and one of the criminal



wearing white paint and black sweater sought his brother and poured chilly powder in the eyes of the informant and looted Rs. 50,000/- 60,000/- which the informant was carrying in a bag.

Learned counsel for the petitioner submits that the petitioner after the occurrence himself went to the police station and confessed that he had participated in the crime along with Sonu, Rajkumar and Rajesh Mahato which is recorded at paragraph- 47 of the case diary. It is further submitted that the police thereafter, recorded the confessional statement of the petitioner and also got his statement recorded under Section 164 of the Cr.P.C.. It is further submitted that the police based on its own investigation arrested Kishan Kumar @ Lalu and Rahul Sahni as it was claimed by the police that after the occurrence they were seen in a C.C.Tv. Footage at a place near the place of occurrence and accordingly, Kishan Kumar @ Lalu and Rahul Sahni were arrested along with Rahul Kumar. It is further submitted that from Rahul Sahni, Kishun Kumar @ Lalu and Rahul Kumar some money was also recovered and one of the notes recovered from Rahul Sahni had initial of the deceased which connected him with the offence. Learned counsel thus, submits that the police arrested Rahul Sahni and Rahul Kumar based on its own investigation and also found a note which had



initial of the deceased, as it has come in paragraph -43 of the case diary, then it is the petitioner who himself went and surrendered in the police station and thereafter, confessed his participation in the occurrence along with Sonu, Rajkumar and Rajesh Mahto. As such, it seems that the police in order to save the real culprit made the petitioner a scape-goat along with other accused person whose name the petitioner is alleged to have confessed.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that from investigation, it appears that this petitioner *suo motu* appeared before the police and confessed by making an inculpatory statement alleging that he participated in the occurrence along with the named accused persons and Sonu shot the deceased whereas the police has its own theory based on CC Tv. Footage and the police during the course of investigation even recovered one notes from the possession of Kishun Kumar, Rahul Sahni and Rahul Kumar having initial of the deceased which *prima facie* connected them with the offence. Learned APP for the State thus, submits that it appears that an attempt is being made by the petitioner to derail the investigation by making a separate confession when police had already arrested the three accused



persons as aforesaid.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present bail application.

Permission is accorded with liberty to the petitioner to renew his prayer for bail after framing of charge.

Accordingly, the application is dismissed as withdrawn.

(Satyavrat Verma, J)

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