

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58750 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

Raju Kumar S/O- Sri Babulal Pandit Resident of Village- Jaymangala Shiv
Mandir Tola, P.S.- K. Nagar (Champanagar O.P.), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Ajay Thakur, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State through video conferencing.

Petitioner seeks bail in a case registered in connection
with Katihar Muffasil P.S.Case No. 101 of 2021 for the
offences punishable under Sections 302, 120B/34 of the Indian
Penal Code and 27 of the Arms Act.

As per the prosecution case, it is alleged that on
20.06.2021 in the night at 9 p.m, while the informant was
sleeping beside her husband, in the meantime two persons came
with face masked by Gamchha and closed her mouth, carried
her to the verandah and threw her due to which she became



unconscious. After some time, when she regained consciousness she found that her husband lying on the bed covered in blood.

It is submitted on behalf of the learned counsel for the petitioner that FIR has been instituted against unknown persons and during the course of investigation, the name of the petitioner has transpired only on the basis of C.D.R details and thereafter, his confession has been recorded by the police which is not admissible in the eye of law. It is also submitted that since the petitioner was an employee of Bandhan Bank and the informant had taken loan from the said bank and they were acquainted to each other and had talking terms but the police only on the basis of suspicion implicated this petitioner and he is in custody since 24.06.2021 having no criminal antecedent.

On the other hand, learned Additional Public Prosecutor for the State has opposed the bail application of the petitioner and submits that during the course of investigation ample material has come against the petitioner and he has confessed his involvement before the police and moreover, on the basis of confession of the petitioner, the arms which is said to have been used in the crime has been recovered from co-accused Sanjiv Kumar.



Having considered the submissions of the parties and taking into consideration the fact that there is confession leading to recovery. Apart from the fact that during the course of investigation, the complicity of the informant has been found and she has also been made accused in this case. This Court is not persuaded to enlarge the petitioner on bail, hence his prayer for bail stands rejected.

(Harish Kumar, J)

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