

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4597 of 2023

Arising Out of PS. Case No.-202 Year-2021 Thana- DHAMDAHA District- Purnia

DILKHUSH KUMAR Son of Late Amir Sah Resident of Village- Dhamdaha
Uttar, P.S.- Damdaha, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Dhamdaha P.S. case No. 202 of 2021 instituted for the offence
under Sections 302, 120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

As per allegation in the FIR, the informant alleged
that on 2.9.2021 the accused persons including the petitioner
came to his house after that his brother namely Mithun Sahni
went with them on motorcycle. Thereafter, the informant came
to know that his brother was died and his dead body was lying
near Amari Kukron. It is further alleged that the informant
raised suspicion that the petitioner is indulged in hatching
conspiracy to kill the his brother in connivance with others.



Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. There is no eye witness of the alleged occurrence. During course of investigation, no any consistent material has come which suggests his involvement in the alleged offence, except his self confessional statement. The petitioner has falsely been made accused in the present case and he is languishing in judicial custody since 1.3.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that from perusal of case diary, the petitioner confessed his guilt in his self confessional statement wherein, he stated that he along with other co-accused committed murder of the deceased namely, Mithun Sahni by shot fire. Further, at the instance of self confessional statement of the petitioner, the said pistol was recovered by which the deceased was shot dead. It is also submitted that the postmortem report corroborates the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and



conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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