

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6649 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- BIRAUL District- Darbhanga

AMIT KUMAR ROY @ AMIT KUMAR Son of Shambhu Nath Roy,
Resident of Village- Deokuli Dham, P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 7023 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- BIRAUL District- Darbhanga

SUBHASH MAHARAJ S/o Sri Rajendra Maharaj, R/o Village and P.O.-
Dasouth, P.S.- Hathauri, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 6649 of 2023)
For the Petitioner/s : Mr. Arun Kumar
Mr. Raghubir Chandaran
For the State : Mr. Tarkeshwar Nath Thakur
For the Informant Mr. Ram Sandesh Roy
(In CRIMINAL MISCELLANEOUS No. 7023 of 2023)
For the Petitioner/s : Mrs.Vaishnavi Singh
For the State : Mr. Ajit Kumar
For the Informant Mr. Ram Sandesh Roy

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 19-05-2023 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutors for the State and also heard the

learned counsel for the informant.

The petitioners are seeking regular bail in connection
with Biraul P.S. Case No. 149 of 2022, registered for the offences



punishable under Sections 365/364 of the Indian Penal Code.

The informant Vishnudev Sharma is a younger brother of deceased Krishna Kumar Sharma.

As per recitals of the FIR, Krishna Kumar Sharma went from his house on 04.05.2022 at about 8:00 A.M. along with one unknown person by his splendor motor-cycle. When he didn't return, the informant attempted to contact him on his mobile phone Nos.6202520381 and 9430047398. Both the mobile sets were in switched off mode. A hectic search was conducted to trace out the victim, but the informant didn't find any clue. In the evening at about 7:30 P.M., the informant received two threatening calls on his mobile phone from the mobile phone of his brother.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. As a matter of fact, the informant and the victim, both had a very good relations. They were working as private *Munshi* in the office of Registrar. He has submitted further that during investigation it has come that the victim had received money from a number of persons in lieu of facilitating mutation orders in their names. He has also submitted that except confessional statement, there is nothing against the petitioners in the entire case diary. He has submitted next that co-accused Niraj Kumar Rai @ Niraj Rai has been granted bail by a coordinate Bench of this Court, vide Cr. Misc. No. 6594 of 2023, and the cases of the petitioners are on similar footing as the



names of the petitioners have also been figured in the confessional statement, and save and except confessional statement of co-accused as well as confessional statement of the petitioners, there is nothing against the petitioners in the entire case diary.

On the other hand, the learned Additional Public Prosecutors, assisted by the learned counsel for the informant, has opposed the prayer for bail and submitted that the name of the petitioner Amit Kumar Roy @ Amit Kumar has also figured in the statement of wife of the deceased, recorded in paragraph No. 9 of case diary and she has categorically stated that it was the petitioner Amit Kumar Roy @ Amit Kumar, who had called her husband and on his call, her husband proceeded with the unknown person. They have submitted further that it has emerged during the course of investigation that the victim was a handicapped person and he was engaged in Registry office. The petitioner Subhash Maharaj was also working in the same Registry office as private *Munshi*. The petitioner Subhash Maharaj became jealous of the victim, due to whom, his working was materially affected. It was petitioner Subhash Maharaj, who hatched a plan to kill the victim. In the confessional statement of co-accused Anil Kumar Yadav it has emerged that the petitioners along with co-accused Niraj Kumar hatched a plan to kill the victim and as per their plan, they committed murder of the victim. In paragraph No. 56 of the case diary it has emerged that on 04.05.2022 at about 10:49 P.M., the tower location of the deceased and the



petitioner Subhash Maharaj was the same, i.e. Jagarnathpur, which shows that the petitioners were involved in killing of the victim. He has also submitted that the petitioners have also confessed their guilt and they have given the vivid description of the entire occurrence.

Considering the above-mentioned facts and circumstances, in my view, the petitioners do not deserve the privileges for bail. Accordingly their prayer for bail is rejected.

(Nawneet Kumar Pandey, J)

Mahesh/Sudha

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