

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21056 of 2023**

Arising Out of PS. Case No.-134 Year-2014 Thana- KHODAWANDPUR District- Begusarai

SURESH PASI @ SURESH CHOUDHARY SON OF RAJENDRA PASI @
RAJENDRA CHAUDHARY RESIDENT OF VILLAGE - BARA, P.S. -
KHODAWANDPUR, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 12-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khodawandpur P.S. Case No. 134 of 2014 registered for the
offence under Sections 302, 307, and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

Two unknown persons are alleged to have shot fire
upon the brother of the informant and fled away.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but merely on the basis of confessional
statement of the co-accused, Nagmani Mahto, he has been made
accused in this case. Save and except the confessional statement
of the co-accused, no cogent material has surfaced during course



of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.01.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the dying declaration of the victim/deceased has been recorded in which he has categorically stated in paragraph-62 of the case diary that petitioner has fired upon him. Not only that the co-accused has also confessed his guilt and disclosed the name of the petitioner, who was involved in the alleged occurrence. He further submits that the petitioner carries seven more cases other than the present one.

Considering the facts and circumstances of the case and the dying declaration of the deceased, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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