

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47351 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- GHORASAHAN District- East
Champaran

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SANDEEP KUMAR S/O BASATH MAHTO @ BASUDEO MAHTO R/O
Village- Bijbani Baraiya Tola, P.S- Jitna, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 48137 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- GHORASAHAN District- East
Champaran

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SHAILENDRA KUMAR SON OF RAMPRAVESH MAHTO RESIDENT
OF VILLAGE- BIJBANI BAIRIYA TOLA PS- JITNA (GHORASAHAN),
DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 47351 of 2023)

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

(In CRIMINAL MISCELLANEOUS No. 48137 of 2023)

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 14-09-2023 1. Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.
2. Petitioners, who are in custody since 04.04.2023

seek bail in connection with Ghorasahan P.S. Case

No.136/2023, dated 17.03.2023, registered for the offences



punishable under Sections 394, 302 of the I.P.C. & Section 27 of the Arms Act.

3. According to prosecution case, some unknown miscreants have killed the brother of the informant while he was coming home after closing his shop carrying Rs. 6,35,000/-.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. The name of the petitioners have been transpired during investigation on the basis of confessional statement of the co-accused namely Jiwit Ray and thereafter the self confessional statement of the petitioner no.1 (Sandip Kumar) was also recorded in which he has confessed his guilt. He further submits that the name of the petitioner no.2 namely Shailendra Kumar is transpired on the basis of confessional statement of the co-accused namely Jiwit Ray and Sandip Kumar and except the concessional statement of the co-accused persons, no other cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence. The police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 04.04.2023.

5. Learned Additional Public Prosecutor for the State



on the other hand vehemently opposed the prayer for bail of the petitioners and submits that on the basis of confessional statement of the co-accused namely Sandip Kumar, arms have been recovered which suggests that he was also involved the present crime in question and apart from the aforesaid, it has also come during investigation in para-41 of the case diary that CDR location of the petitioners suggests that they are present at the place of occurrence and both the petitioners have carried five antecedent other than the present one.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioners on bail in connection with Ghorasahan P.S. Case No.136/2023, pending in the Court of learned 3rd Additional Chief Judicial Magistrate, Motihari, East Champaran.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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