

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59399 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SAHPUR District- Bhojpur

VIDYA SAGAR GUPTA S/O LATE RAMNATH GUPTA VILLAGE
SHAHPUR, PS- SHAHPUR, DIST-BHOJPUR AT ARA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awnish Kumar

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Shahpur P.S. Case No. 415 of 2022 instituted for the offence under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is a case of commission of murder of the informant's brother namely Bashistha Prasad @ Mantu Sonar by the petitioner along with other accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. It is further submitted in para 13 and 14 of the petition that during course of investigation the police had arrested one Manish Kumar @ Tiwary Yadav who in



his confessional statement had stated about the manner in which this occurrence had taken place and had also disclosed that who hired him for commission of murder of the deceased. One Shamshad Sah @ Sonu Sah has also been arrested and during his interrogation, he had also disclosed that he along with Manish Kumar and Indal Yadav were hired by Binod Dhanuk and Deepak Dhanuk for murder of the deceased and thereafter had disclosed the manner in which they had committed offence. The petitioner is languishing in judicial custody since 31.01.2023.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that petitioner is named in the F.I.R. and from perusal of prosecution case, there is direct and specific overt act against this petitioner is that he shot fired which hit on the chest of the deceased and other accused persons also opened fire upon the person of the deceased due to which he died. Further, the postmortem report of the deceased which is annexed with the case diary corroborates the prosecution case in which doctor opined that three entry wounds were shown and cause of death is firearm injury. It is further submitted that petitioner has five criminal antecedents and during investigation the witnesses



of this case have also supported the prosecution story.

6. Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. 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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