

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78021 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- SARAIYA District- Muzaffarpur

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DHIRAJ KUMAR @ GUNJAN SINGH S/O NAGESHWAR SINGH
RESIDENT OF VILLAGE- SIRKAHIYAN, P.S.- SARAIYA, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Saraiya P.S.
Case No. 124 of 2022 registered for the offences punishable
under Sections 302, 201, 120(B), 34 of the Indian Penal Code
and Section 27 of Arms Act.

3. The allegation against all the accused persons including
the petitioner is that they committed murder of the informant's
husband and concealed his dead body in a mustard field.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No such occurrence as alleged ever took place. He has been
falsely implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is totally false and based on concocted facts. Nothing has been recovered from the physical possession of the petitioner and his house. The seized motorcycle which belongs to the informant's husband has been recovered from the house of other co-accused. Petitioner has no concern with the alleged occurrence. He is not named in the FIR. His name has been transpired in the present case merely on the basis of the confessional statements of the apprehended persons which have no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that petitioner was also involved in the alleged occurrence. He relied upon the judgment of the Apex Court in the case of **Indresh Kumar v/s. The State of UP & Anr.**, reported in Criminal Appeal No. 938 of 2022.

6. Considering the facts and circumstances of case as well as nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail,



the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner has no criminal antecedent and there is no specific overt act against him.

(Anjani Kumar Sharan, J)

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