

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1979 of 2023

Arising Out of PS. Case No.-76 Year-2021 Thana- BHADAUR District- Patna

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SUMIT KUMAR @ RAJA S/O AJAY RAI, Resident of village- Mansi Ward
No- 2, P.S.- Mansi, District- Khagaria. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suraj Kumar
For the Opposite Party/s : Mr.Shailendra Kumar Singh
Mr. Praveen Kumar
Mr. Vijay Kumar

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

ORAL ORDER

3 04-05-2023 Heard the learned counsel for the petitioner as well as

the learned counsel for the informant and also heard the learned

Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with
Bhadaur P.S. Case No. 76 of 2021, registered for offence
punishable under Sections 302, 120(B)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

As per allegation, Sunita Devi, the informant has stated
in her *Fardbeyan* that, as usual, her husband was returning after
purchasing milk and when he reached near the field of one Late
Sita Ram Singh, unknown persons committed his murder by firing
shot.

The learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this
case and, on similar footing, other co-accused persons have been



granted bail by the coordinate Benches of this Court. He has also submitted that except confessional statement, there is nothing against the petitioner and none had seen the occurrence.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and has submitted that it was the petitioner, who fired shot and committed murder of the deceased. This petitioner has categorically stated in his self inculpatory confessional statement recorded in paragraph no. 95 of the case diary that he fired shot at the deceased and committed his murder. The learned counsel for the informant has also submitted that in paragraph no. 100 of the case diary, it has come that the pistol, by which the murder was committed, was recovered, as such the confessional statement led to recovery. He has submitted further that so far as other co-accused persons, who have been granted bail by the coordinate Benches of this Court, are concerned, the case of the petitioner cannot be equated with them, as they are not the assailant of the deceased.

Considering the above-mentioned facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, his prayer for bail is rejected.

(Nawneet Kumar Pandey, J)

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