

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.332 of 2023

Arising Out of PS. Case No.-258 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

ATUL BIHARI PANDEY @ ATUL PANDEY @ NIKHIL PANDEY Son of
Jitendra Pandey R/v- Semaria, P.S.- Ara Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Ara Muffasil P.S. Case No. 258 of 2022 instituted for the
offence under Section 302 of the Indian Penal Code and Section
27 of the Arms Act.

As per allegation in the FIR, the informant alleged
that he got information that something bad has been done with
Sailesh Kumar. After taking location of the same, the informant
reached at the place of occurrence and found the dead body of
the Sailesh Kumar. It is further alleged that some unknown
miscreants committed murder of the deceased by shot fire.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. The petitioner



is not named in FIR rather he has falsely been implicated in this case on the basis of suspicion. There is no consistent evidence or eye witness has come against the petitioner to show his complicity in the alleged occurrence. The name of the petitioner has surfaced in this case only on the basis of the confessional statement of himself as well as other co-accused persons. Moreover, the petitioner is languishing in judicial custody since 29.8.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that during investigation, this fact came into light that the petitioner and two other co-accused namely, Yash and Sumit kumar fired upon the person of deceased due to which he died. From perusal of case diary, the petitioner vide para-62 and other co-accused Sumit Kumar vide para-55 confessed their guilt in respect of commission of murder of the deceased in their confessional statements. As per postmortem report, doctor opined that the deceased sustained three gun shot injury and cause of death is due to firearm which corroborates the prosecution version. It is further submitted that the petitioner has already got five criminal antecedents.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to



enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

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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