

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9770 of 2024

Arising Out of PS. Case No.-427 Year-2023 Thana- PUPRI District- Sitamarhi

Mukesh Kumar @ Mukesh Sahani Son of Naresh Sahani R/O-Gauri, P.S.-
Nanpur, Distt.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 8957 of 2024

Arising Out of PS. Case No.-427 Year-2023 Thana- PUPRI District- Sitamarhi

Ankit Sahani @ Ankit Kumar S/O- Late Bhikhari Sahani R/O- Village-
Mahua Gachhi, Mohani, P.S.- Nanpur, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9770 of 2024)

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

For the Informant : Mr. Ashok Kumar, Adv.

(In CRIMINAL MISCELLANEOUS No. 8957 of 2024)

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

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

For the Informant : Mr. Ashok Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioners and

learned APP for the State as also learned counsel for the

Informant in both the cases. Perused the case diary.

2. The petitioners seek bail in connection with Pupri

P.S. Case No. 427 of 2023 instituted for the offences under



Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the allegation against the accused persons including the petitioners is of taking away the brother of the Informant/Sonu Kumar (deceased) and committing murder and throwing the dead body in the Pupri over bridge.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that there is no direct or specific allegation of any overt act against the petitioners rather the same are general and omnibus in nature. The date of occurrence is 29.09.2023, the F.I.R. has been instituted on 30.09.2023 but, the F.I.R. has been sent to the court below on 02.10.2023 which itself creates doubt in the genuineness of the prosecution case. Not a single independent witness has supported the prosecution case. There is also no eye-witness to the alleged occurrence nor anyone has seen the petitioners at the place of occurrence. Both the petitioners have one criminal antecedent each in



which they are on bail and are languishing in judicial custody since 02.10.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioners, stating that the petitioners are named accused in the F.I.R. He further submits that there is a confessional statement of the petitioner Ankit Kumar in Para-18 of the case diary in which he has confessed his guilt and also named the petitioner Mukesh Kumar and others and stated that due to dispute of distribution of share of money, they committed murder of the deceased. Postmortem report also supports the prosecution case. The charge-sheet has also been submitted against the petitioners for offence under Section 302/34 of the I.P.C. The allegation made against the petitioners is serious in nature and, thus, the petitioners do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the nature of offence which



is serious, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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