

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24665 of 2024

Arising Out of PS. Case No.-722 Year-2023 Thana- BANKA District- Banka

Kumar Nilesh Son of Satish Kumar Resident of Mohalla- Basant Bihar Colony, P.S.- Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV ORDER

4 18-07-2024 I have already heard the learned counsel for the petitioner as well as the learned APP for the State.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act, registered in connection with Banka P.S.Case No. 722 of 2023 (S.Tr.No.103 of 2024).

3. The father of the deceased lodged the FIR, stating therein that his son Suman Kumar Choudhary went from his house, but did not return. The informant came to know from the villagers that his son was shot dead. He rushed to the place of occurrence, where the crowd had assembled and one person from the crowd informed that the deceased was going by his



scooty and a girl was sitting as a pillion rider. Thereafter, two persons came on a motor-cycle and one of them fired shot at the deceased and they fled away with their motor-cycle. The girl, who was accompanying the deceased, also fled away with the miscreants on their motor-cycle.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He is not named in the FIR, nor was he put on TIP. He is a postgraduate student who is preparing for competitive examinations. He has also submitted that, except confessional statement of the petitioner, there is nothing against the petitioner in the entire case diary.

5. On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that the girl, who accompanied the deceased, had love and affection with the petitioner. The deceased was also in love with the petitioner. The girl and the petitioner hatched a conspiracy to eliminate the deceased. The said girl (Anuradha) who is also an accused, as per their pre-planning, accompanied the deceased and when the petitioner committed the murder of the deceased, she accompanied the petitioner and fled away. That girl and the petitioner have rendered their confessional statement, in which



they have given vivid description of the entire occurrence. He has also submitted that the report of the learned lower court shows that the charges have recently been framed on 09.04.2024 and three witnesses have been examined and they have stated that the petitioner had threatened the deceased to kill.

6. Considering the above facts and circumstances of the case, I am not inclined to grant the petitioner the privilege of bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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