

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32410 of 2024

Arising Out of PS. Case No.-12 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Arbaz Ali son of Nur Hasan Resident of Village- Parsagarh, P.S.- Ekma, Dist.- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr. J.N. Thakur

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

ORAL ORDER

4 09-09-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Bhagwan Bazar P.S. Case No. 12 of 2023, registered for the offences punishable under Sections 302, 120(B) & 34 of the IPC.

3. As per allegation, the inmates of Observation Home killed the Security Guard (Home Guard) namely Chandra Bhushan Singh by inflicting knife blows.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He is not named in the FIR. Except his confessional statement and the confessional statement of other accused persons, there is nothing against him. The confessional statement of the petitioner before the police is not admissible at this stage. He has submitted



further that even the confessional statement of co-accused is taken to be true, the petitioner is not the assailant rather he assisted the main accused by catching hold of the deceased. The petitioner is under custody since 14.01.2023.

5. On the other hand, the learned APP for the State Sri J.N. Thakur has opposed the prayer for bail and submitted that the impugned order itself shows that the petitioner had taken the plea of juvenility on the basis of forged and fabricated documents and he was not found as juvenile by the Juvenile Justice Board. Except the present case, the petitioner has also been made accused in a murder case i.e. Ekma P.S. Case No. 312 of 2021 which shows that he is a person of criminal antecedent. He has submitted further that there is not only confessional statement of the petitioner and other co-accused persons but also the petitioner was identified in CCTV footage which corroborates the allegation. The witnesses have supported the prosecution case.

6. Considering the above-mentioned facts and circumstances, the petitioner does not deserve the privilege for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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