

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29039 of 2024

Arising Out of PS. Case No.-742 Year-2023 Thana- HARSIDHI District- East Champaran

Gulshan Kumar @ Rahul Kumar Son of Amar Prasad Village Pakadia, Ward
No. 10, P.S. Harsidhi, Dist. East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shashank Shekhar
For the Opposite Party/s :	Mr. J.N.Thakur, APP
	Mr.Rikesh Sinha
	Mr. Rakesh Kumar

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

CAV ORDER

6 23-09-2024 I have already heard the learned counsel for the
parries.

2. In this case, the petitioner seeks regular bail in connection with Harsidhi P.S.Case No. 742 of 2023 registered for the offence under Sections 302 and 201 of the Indian Penal Code.

3. As per the prosecution case, the petitioner participated in deep conspiracy with co-accused Sunil Kumar and other accused persons to murder his step-brother Mritunjay Kumar.

4. It came to light during investigation that Amar Prasad, the informant has solemnized two marriages. His first



wife was Durgawati Devi, the mother of the deceased and the petitioner is the son from the second wife of the informant. Durgawati Devi has also a daughter who was married to co-accused Sunil Kumar and Sunil Kumar was residing in *Maik* of Durgawati Devi, as she had some properties in her *Maik*. Sunil Kumar wanted to grab the property as he was already in possession thereof and conspired to kill his brother-in-law Mritunjay Kumar with the assistance of the petitioner. Sunil Kumar persuaded the petitioner alluring him that after the death of Mritunjay Kumar, the property left by the informant would be divided into the petitioner and co-accused Sunil Kumar.

5. The dead body of the deceased was recovered from a bush.

6. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. Except the confessional statement of the petitioner, there is nothing in the case diary.

7. On the other hand, the learned APP for the State has opposed the prayer for bail by submitting that during investigation, it has been detected that there was some dispute between the deceased and the petitioner and during investigation the petitioner has confessed that on persuasion of co-accused



Sunil Kumar, he called the deceased and other accused persons committed the murder of the deceased.

8. From the materials collected during the course of investigation, it appears that the petitioner was privy to the conspiracy in which the plan for murder of his step-brother was hatched. In his confessional statement he had given vivid description of the entire occurrence. As such, I am not inclined to grant the privilege of bail to the petitioner.

9. The application is accordingly rejected.

(Nawneet Kumar Pandey, J)

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