

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32394 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Ajay Ram son of Mahendra Ram R/Village- Khaira, P.S.- Sonhan, Dist.-
Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Mishra, Adv.

For the State : Mr. Shailendra Kumar, APP

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

ORAL ORDER

3 10-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Bhabhua (Sonhan) P.S. Case No. 74 of 2024 registered for the
offence punishable under Section-302/34 of the Indian Penal
Code.

3. The informant who is father of the deceased states
in his FIR that on 1st February, 2024 at about 6.30 p.m. his
younger son (deceased) went out of his house talking on mobile
and later on, his deadbody was found near the house of one
Prabhu Prajapati. The informant suspected that someone had
committed murder of his son by inflicting brick blows on his
head.

4. Learned counsel for the petitioner has submitted



that except confessional statement of the petitioner and co-accused Sandeep Kumar, there is nothing in the entire case diary against the petitioner. The self-inculpatory statement recorded before the police is not admissible in evidence. It has further been submitted that the knife whereby the co-accused Sandeep Kumar inflicted blows on the face of the deceased, was recovered at the disclosure of Sandeep Kumar. The co-accused Sandeep Kumar has stated that he (Sandeep Kumar) inflicted brick blows on the head of the deceased and when the deceased fell down and became unconscious, Sandeep Kumar and the petitioner inflicted brick blows on his head and co-accused Sandeep Kumar inflicted knife blows on his face but the postmortem report shows that only one injury of brick blow was found on the head of the deceased and the injury was the same which was confessed by co-accused Sandeep Kumar in his confessional statement. The co-accused Sandeep Kumar had admitted that he inflicted knife blows on the face of the deceased and the postmortem report shows that four incised wounds were found on the face of the deceased.

5. On the otherhand, Mr. Shailendra Kumar, learned counsel appearing for the State has opposed the prayer for bail and submitted that the petitioner and the co-accused, Sandeep



Kumar had brutally assaulted the deceased and committed his murder. Both the co-accused Sandeep Kumar and the petitioner have confessed their guilt which is corroborated by the postmortem report.

6. From perusal of the postmortem report, it appears that only one injury of brick-bat was found on the head of the deceased which has specifically been confessed by the co-accused Sandeep Kumar. The injuries on the face of the deceased were also confessed by the co-accused Sandeep Kumar stating that he inflicted knife blows on the face of the deceased.

7. Considering the aforesaid facts and circumstances, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhabua in connection with Bhabhua (Sonhan) P.S. Case No. 74 of 2024 with condition that the petitioner shall cooperate with the trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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