

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34316 of 2024**

Arising Out of PS. Case No.-208 Year-2022 Thana- DANAPUR District- Patna

Umesh Kumar @ Umesh Rai S/O Shrre Ram Ishwar Rai R/O Mohalla-  
Kurjee Kothiya, P.S- Digha, Distt.- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                             |
|--------------------------|---|-----------------------------|
| For the Petitioner/s     | : | Mr. Y.C. Verma, Sr. Adv     |
|                          | : | Mr. S.D. Sanjay, Sr. Adv.   |
|                          | : | Mrs. Priyanka Singh, Adv    |
| For the Opposite Party/s | : | Mr. Md. Mushtaque Alam, APP |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

4      31-08-2024                      Heard learned senior counsel Mr. Y.C. Verma with  
  
Mr. S.D. Sanjay for the petitioner and learned A.P.P. for the  
  
State.

2. The petitioner seeks regular bail in connection with  
  
Danapur P.S. Case No. 208 of 2022 lodged under Sections  
  
302/34 and 120B of the I.P.C. read with Section 27 of the Arms  
  
Act.

3. As per the prosecution case, the F.I.R. has been  
  
lodged against four unknown accused persons with allegation  
  
that on the same date, time and place of occurrence, when  
informant's husband went at the main gate of the house for  
unloading the sand, then in the meantime, four criminals made  
indiscriminate firing and fled away and due to the said firing,  
her husband died.

4. Learned senior counsel for the petitioner submits  
  
that the petitioner is innocent and has committed no offence. He



submits that the petitioner has figured in this case by virtue of confessional statement of co-accused. He further submits that the confessional statement has no value in the eye of law and particularly at this stage, confessional statement may not be accepted.

5. Learned senior counsel further submits that admittedly, the petitioner is a businessman and used to do the work of broker for the purpose of selling of land. He further submits that there is a dispute of land going on between the deceased and the present petitioner for which there are series of correspondence going on between them and a suit for specific performance is also pending. He further submits that a major portion of the land was already executed by the deceased to the petitioner or through him to different persons. In case of any mishappening, it is the petitioner who shall be the main loser, therefore there is no question that the petitioner shall be involved in the commission of crime by which he shall suffer a loss.

6. Learned senior counsel further submits that there may be a chance which may create doubt against him as he was in litigating term with the deceased, but from the documents which he has attached with the supplementary affidavit clearly



indicates that he is a law abiding citizen and for all wrongs which was done by the deceased with the petitioner, he was taking legal recourse for the same and from those documents, it transpires that there is a civil litigation pending between them. He further submits that the petitioner is suffering in this case since about 8 months and he is in custody since 20.01.2024, therefore his bail may be considered sympathetically as he has having no criminal antecedent.

7. Learned counsel for the State opposes the prayer for bail and submits that it is true that antecedent of the petitioner is clean and it is also true that the name of the petitioner has come by virtue of confessional statement, but the confessional statement of all the accused persons are not in contradiction with each other.

8. Counsel further submits that it has been filtered from the entire investigation that the shooters have committed this crime coming on the FZ motorcycle and the said motorcycle was recovered on the confessional statement of the co-accused. Under law, the confessional statement of the accused can be considered only when, it become corroborative. In the opinion of the court, here in the present case, not only the allegation rather the corroboration has been made by virtue of mode of



commission of crime by which three criminals came on FZ motorcycle and the said motorcycle has been recovered by the statement which is part of the confession and disclosure of those accused persons. Therefore, the said confessional statement cannot be ignored completely. He further submits that the conspiracy has also filtered during investigation.

9. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected,

10. However, trial court is directed to expedite the trial as early as possible.

**(Dr. Anshuman, J.)**

Prakashmani/-

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