

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35985 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- KHODAWANDPUR District- Begusarai

Md. Sajjad @ Teni @ Toni son of Md. Mansur @ Md. Mansoor @ Md.
Mansoo Village- Narhan W.No-6, Ps- Bibhutipur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 26-07-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Khodawandpur P.S. Case No. 5 of 2024, lodged on 07.01.2024
under Sections 302, 34 & 120 (B) of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against 5 named accused persons including the present
petitioner. The allegation made in the FIR is that all the accused
persons in connivance with each other have killed the
informant's son by strangulating his neck.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that from the contents of the FIR, it become crystal
clear that in the FIR, only suspicion has been raised and there is



no material against the present petitioner. Counsel further submits that during the investigation, it has come from the mouth of the different witnesses that there was illicit relation between the petitioner and the wife of the deceased. Counsel submits that nothing incriminating has been recovered from the possession of the petitioner, but it has come that the weapon used in the commission of crime has been recovered from the room of wife of the deceased.

5. Learned counsel for the petitioner further submits that the criminal antecedent of the petitioner is clean and he is in custody since 06.02.2024.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that it is true that only material which has come against the petitioner is the confessional statement and by virtue of the confessional statement, the weapon used in the commission of crime has been recovered from the room of the person who has made confessional statement. Counsel also submits that the nature and injury caused during death of the deceased has been corroborated with the post-mortem report. Counsel further



submits that since, by virtue of the confessional statement, the weapon used in commission of crime has been recovered, therefore, the confessional statement may not be ignored because from the confessional statement, it transpires that the person who has made confession is the eye-witness of the occurrence. The petitioner's name has been disclosed by eye-witness.

8. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

9. Accordingly, the prayer for regular bail of the petitioner in connection with Khodawandpur P.S. Case No. 5 of 2024, pending before the learned Sub Divisional Judicial Magistrate, Manjhaul, Begusarai is **hereby rejected**.

(Dr. Anshuman, J)

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