

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39538 of 2024

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

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Umesh Singh @ Umesh Kumar Singh @ Umesh Kumar @ Umesh Kumar
Rai Son of Ram Lakhan Singh R/O village- Rajapuur Durga Devi Mandir,
Ward No. 22, P.S.- Budha Colony, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anshul, Adv.
: Mr.Anuj Kumar, Adv.
For the Opposite Party/s : Mr.Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 31-08-2024 Heard learned counsel 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.

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 counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that there is confusion of name as there are two accused one is Umesh Singh @ Umesh Kumar Singh @ Umesh Kumar Rai son of Ramlakhan Singh whereas another accused persons is Umesh Kumar @ Umesh Rai, and therefore, counsel submits that under confusion, the name of the petitioner has come in this case.

5. Counsel further submits that the petitioner's name has come in this case by virtue of confessional statement of Raj Kumar Sahni @ Balak and at one place, he has disclosed the name of the petitioner. He further submits that there were two types of land related to the deceased. One land is of 52 Katha and another land is of 29 Katha. Counsel further submits that there was no dispute between the petitioner with the deceased relating to 29 katha of land and he is in negotiation with the petitioner. The cause of dispute has arisen only for 52 katha of land in which he had already sold 30 Katha of land and for rest 20 katha of land, the dispute was going on and civil litigation was pending. On this ground, counsel submits that there is nothing against the petitioner save and except, one line allegation that the present petitioner has involved in the conspiracy.

6. Counsel for the petitioner submits that petitioner is



in custody since 19.02.2024 having clean antecedent and ready to fulfill all the conditions whatsoever shall be imposed upon him.

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 statements of 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 had 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 and here in the present case, not only the allegation rather the corroboration has been made by virtue of mode of commission of crime by 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. It appears that the present crime took place



by the petitioner and other accused in connivance with each other.

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.)

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