

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41866 of 2024

Arising Out of PS. Case No.-441 Year-2023 Thana- KHAJEKALA District- Patna

DEEPAK KUMAR @ BITTU @ BITTU KUMAR SON OF RAJESH
CHOUDHARY Resident of Deewan Mohalla, Ghasiyari Gali, P.S. -
Khajekala, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Adv

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
P.S. Case No. S.Tr. No. 242 of 2024, arising out of Khajekala
P.S. Case No. 441/2023, lodged on 11.10.2023, under Sections
302/120B/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per the prosecution, F.I.R. has been lodged
against four named accused persons including the present
petitioner with an allegation that they all in connivance with
each other has fired on the son of the informant due to which he
died at the time of treatment.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that that the name of the petitioner has been figured in this case only by virtue of confessional statement of the co-accused. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are three cases pending against him in which he is on bail. The petitioner is in custody since 14.10.2023. He further submits that case diary has been called for and upon bare reading of the case diary, it transpires that there is general and omnibus allegation against all the accused persons including the present petitioner. He further submits that one witness has disclosed that Anil Kumar @ Kndom has fired upon the deceased. He submits that there is no role of the petitioner in commission of the crime.

5. Learned APP for the State opposes the prayer for bail and submits that three witnesses has disclosed the name of all the accused persons in commission of the crime but one witness has disclosed that Anil Kumar @ Kndom has filed upon the deceased by pistol. He submits that prima-facie case appears to be of confessional statement, but subsequently, on the disclosure of the petitioner, the arms used in the crime has been recovered. As such, he submits that the present case is not only of confession rather corroborative evidence are also there.



6. 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. Accordingly, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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