

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2805 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- SABAUR District- Bhagalpur

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Rupesh Kumar Son Of Late Prakash Yadav Resident Of Village- Ram
Chanderpur, Ps- Goradih , Distt- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi Wife Of Late Sanjay Kumar Resident Of Village- Fazilpur,
Danda Bazar, Ps- Goradih, Distt- Bhagalpur, At Present Residing At Village-
Badhari, Ps- Goradih, Distt-Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Md. Nurul Hoda
For the Respondent/s	:	Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 11-01-2024 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated

19.04.2023 passed by learned Additional Sessions

Judge-III-cum-Special Judge SC/ST Act, Bhagalpur in

connection with Sabour (Goradih) P.S. Case No. 35 of

2023 instituted for the offences punishable under

Sections 302/34 of the Indian Penal Code, Section 27 of

the Arms Act and Sections 3(2)(v) of the SC/ST Act

whereby his prayer for being released on bail has been



rejected.

The allegation against all the F.I.R named accused persons and some unknown is to commit the murder of the husband of the informant by causing firearm injuries in the background of some previous enmities.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R and his name subsequently sprang up on the confessional statement of co-accused Mithun Kumar, the appellant has been roped in the present case. There is no eye witness to the occurrence. The appellant is in custody since 27.01.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

In contra, learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer



for bail of the appellant and submitted that the appellant confessed his guilt that he committed murder of the husband of the informant and on his identification, the weapon used in the commission of murder was recovered from the house of the appellant. The F.S.L report also corroborates the involvement of the appellant in the murder of the husband of the informant.

Considering the fact that appellant confessed his guilt and the weapon used for commission of murder of the husband of the informant was recovered from the house of the appellant, this Court is not inclined to grant the privilege of bail to the appellant. The prayer for bail of the appellant stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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