

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47456 of 2024

Arising Out of PS. Case No.-386 Year-2021 Thana- HARSIDHI District- East Champaran

Pappu Singh Son of Madan Singh Resident of Vill- Bhatha, P.S.- Sugauli,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lallan Kumar Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Harsidhi P.S. Case No. 386 of 2021, lodged on 25.09.2021,
under Sections 302/120B/34 of the Indian Penal Code and under
Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged
against unknown accused persons, who have murdered the
informant's son. It has been mentioned that the deceased was
RTI activists and had played important role by way of filing
encroachment case and got released series of government land.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that name of the petitioner has figured by virtue of confessional



statement during investigation from the mouth of co-accused Manish Kumar Patel, who confessed that upon receiving rupees one lac and 220 CC Pulsor Motorcycle, this work of killing the informant's son had been made. Counsel submits that the confessional statement has no evidentiary value in the eye of law. He submits that except confession there is no material. He submits that other co-accused, namely, Manish Kumar @ Manish Patel, co-accused Rajesh Kumar, co-accused Pappu Khandelwal @ Dinesh Khandelwal @ Dinesh Kumar Khandelwal have been granted bail by the different coordinate Benches of this Court vide orders dated 29.11.2023, 17.08.2022, 09.08.023 passed in Cr. Misc. No. 56778 of 2023, Cr. Misc. No.24962 of 2022 and Cr. Misc. No.29302 of 2023 respectively. Counsel further submits that antecedent of the petitioner is not clear. There are seven criminal case pending against him and he is in custody since 04.03.2024.

5. Learned counsel for the State vehemently opposes the prayer for bail and submits that the confessional statement of different co-accused persons are tallied with each other. He further submits that for the purpose of contract to kill informant's son one motorcycle had been received by them. The said motorcycle and one pistol have been recovered.



Therefore, he submits that the said confession is not only confession; rather it is corroborative in nature. Counsel further submits that case of petitioner is different than that of those accused persons, who moved before this Court and granted bail as antecedents of those petitioners to whom bail have been granted are either one or clean antecedent whereas petitioner's antecedent is not clean. There are seven criminal cases pending against him. Therefore, he submits that the parity could not be maintained in both the cases in case of petitioner with other accused persons to whom bail has been granted.

6. In this view of the matter, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected. However, liberty is granted to the petitioner that he may renew his prayer for bail after framing of the charges.

(Dr. Anshuman, J)

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