

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45357 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Sohit Raj Son Of Naresh Tanti Resident Of Village - Purani Bazar, Ward
No.6, P.S. - Surajgarha, District -Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 52180 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Shashank Kumar S/O Late Shravan Kumar Ray R/O Patelpur, P.S-
Suryagarha, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 45357 of 2024)
For the Petitioner/s : Mr. D.K. Sinha, Advocate
Mr.Rajesh Kumar, Advocate
Mr. Govind Mohan Thakur, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP
For the Informant : Mr. Ramchandra singh, Advocate
Mr. Dhaneshwar Prasad Gupta, Advocate
(In CRIMINAL MISCELLANEOUS No. 52180 of 2024)
For the Petitioner/s : Mr. D.K. Sinha, Advocate
Mr.Rajesh Kumar, Advocate
Mr. Govind Mohan Thakur, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP
For the Informant : Mr. Ramchandra singh, Advocate
Mr. Dhaneshwar Prasad Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioners, learned

APP for the State, learned counsel for the informant and perused

the case diary.



2. The petitioners seek bail in Surajgarha P.S. Case No. 68 of 2024, instituted for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, dead body of the son of the informant was found hanging by ceiling fan. It is also found that the golden chain and mobile phone of the deceased was missing.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioners.

5. In Cr. Misc. No. 45357 of 2024, learned counsel for the petitioner further submits that the petitioner is neither named in the FIR nor present at the place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement of co-accused Shashank Kumar and the same has got no evidentiary value. No T.I. parade has been conducted in this case. The petitioner is in custody since 17.02.2024 and has got no criminal antecedent.

6. In Cr. Misc. No. 52180 of 2024, learned counsel for the petitioner further submits that the petitioner is neither named



in the FIR nor present at the place of occurrence, rather his name has surfaced in this case on the basis of self-confession of the petitioner and the same has got no evidentiary value. On suspicion of being a friend of the deceased, the petitioner has been arrested in this case. The petitioner is in custody since 16.02.2024 and has got no criminal antecedent.

7. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioners. Learned APP for the State further submits that both the petitioners confessed their guilt and there is specific allegation of committing murder of the deceased against both the petitioners as per their self-confession mentioned in para nos. 13 and 22 of the case diary. Hence, the petitioners do not deserve the privilege of bail.

8. Considering the aforesaid facts, nature of accusation and gravity of the offence as alleged, this Court is not inclined to grant bail to the petitioners.

9. The prayer is rejected.

(Rudra Prakash Mishra, J)

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