

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53149 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Sonu Kumar S/o Rajdeep Yadav R/o vill -Kahra block Ward No 42, P.S. and
Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Harun Quareshi, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 29-10-2024 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with

Saharsa P.S. Case No. 89 of 2024 instituted for the

offences under Sections 394, 302/34 of the Indian Penal

Code and Section 27 of the Arms Act.

3. The prosecution case, the allegation against co-

accused Roushan Kumar and two unknown are that at

around 12:30 O'clock in the night, three unknown criminals

came near trucks and started damaging the same with sticks

and rods. Two criminals stood on the foot board of the truck

on the right side and one criminal stood on the foot board on



the left side and started opening the gate and causing vandalism. Meanwhile, the driver of the truck, Sipahi Gond started moving forward. Meanwhile, one criminal standing on foot board on the right side of the truck opened fire, hitting the right hand side of the driver of truck, Sipahi Gond due to which he got injured and died. On coming near the main road, the truck driver turned the truck towards right due to which the criminals hanging on the foot board on the left side of the truck fell down and the wheel of the truck ran over his body and died during treatment in the Sadar Hospital, Saharsa.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to village politics. The petitioner is not named in the F.I.R. and was also not arrested from the place of occurrence. His name has surfaced in this case on the basis of the self-confessional statement before the police which has no evidentiary value in the eye of law. He further submits that nothing incriminating has been recovered from



the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 01.02.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that though the petitioner is not named in the F.I.R. but, the complicity of the petitioner in the alleged occurrence appears to be involved as per his confessional statement and he has confessed that he along with his associates planned to commit loot and during loot, the petitioner fired at the truck driver who died on the spot. The postmortem report also corroborates the prosecution case. The police has also recovered one loaded pistol upon unloading one live cartridges from the possession of the petitioner. Charge-sheet has also been submitted against the petitioner under Sections 394, 302, 411/34 of the I.P.C.



and Section 25(1-b)(a), 26, 27 and 35 of the Arms Act and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties as also considering the serious nature of allegation and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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