

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59353 of 2024**

Arising Out of PS. Case No.-683 Year-2021 Thana- SITAMARHI District- Sitamarhi

Mayank Kumar @ Rajesh @ Manish Son of Umesh Bhagat Resident of  
Village - Saraiya Ward No. 13 @ Belsand Saraiya Jhanda Chowk, P.S.  
-Belsand, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      13-11-2024                      Heard Learned Counsel for the petitioner and Learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Sessions Trial No.140 of 2024 arising out of Sitamarhi P.S. Case  
No. 683 of 2021 dated 25.08.2021, lodged under Sections 302,  
307, 120(B), 372 and 34 of the Indian Penal Code read with  
section 27 of the Arms Act pending before the Court of 2<sup>nd</sup>  
Additional Sessions Judge, Sitamarhi.

3. As per the prosecution, FIR has been lodged against  
4 named accused persons other than the present petitioner.

4. Learned Counsel for the petitioner submits that  
petitioner is innocent and has committed no offence. Counsel  
submits that the petitioner is not named in the FIR and his name



has been figured in this case only by virtue of the confessional statement of one Indal Kumar and nothing incriminating has been recovered from the petitioner's possession. Counsel submits that the criminal antecedent of the petitioner is not clean as there are two criminal cases pending against him in which in one case, he is on bail and in other, he is persuading for bail. Counsel further submits that the petitioner is in custody since 15.09.2023 in the present case. Counsel submits that the name of the petitioner has been disclosed by virtue of the confessional statement of Indal Kumar on which no reliance could be made and therefore, petitioner deserves grant of bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that in this case, case diary, supplementary case diary 1, 2 and 3 has come. Counsel submits that there is specific allegation which has been figured later on in the investigation that the petitioner was present at the place of occurrence at the time of commission of crime and during crime, he was injured and received one fire shot on his shoulder and he was admitted to Nepal and started doing the export-import of *charas* and *ganja* but subsequently, police has arrested him in different case. Counsel further submits that the specific statement of co-accused Prabhu Bhagat has also been there in



the supplementary case diary and Prabhu Bhagat has categorically disclosed about the involvement of the petitioner in the commission of crime. The motorcycle of Prabhu Bhagat has also been recovered which was used in the crime and the said number was also verified by the DTO which was registered in the name of Prabhu Bhagat and the present petitioner has also confessed and disclosed about the said motorcycle in the said crime.

6. In the present facts and circumstances of this case, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

**(Dr. Anshuman, J)**

Divyansh/-

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