

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61890 of 2024

Arising Out of PS. Case No.-213 Year-2024 Thana- BANKA District- Banka

Rohit Kumar Son of Dinesh Prasad Mandal Resident of Village- Mahesadih,
P.S- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Nandad Prasad, Adv.
For the State	:	Mr.Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Arya Achint, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 14-11-2024 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Banka
P.S. Case No. 213 of 2024 instituted for the offences under
Sections 302, 201 and 120(B) of the Indian Penal Code.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of hatching a
criminal conspiracy and, thereafter, committing murder of the
Informant's son as also burning the dead body.

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 dirty village politics. The petitioner is not named in the



F.I.R. and his name has sprung in this case on the basis of the confessional statement of the co-accused Ruby Devi. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is no eye-witness to the alleged occurrence. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 21.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State as well as the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the name of the petitioner has come on the basis of confessional statement of co-accused Ruby Devi. The petitioner has also confessed his crime in Para-43 of the case diary. In Para-81 of the case diary, there is C.D.R. which also discloses that the petitioner had a conversation with the co-accused Ruby Devi as well as Sunit Kumar and the mobile tower location of both the persons was near the place of occurrence. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the nature 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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