

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63587 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- GHORASAHAN District- East
Champaran

Sandeep Kumar Son of Basath Mahto @ Basudeo Mahto @ Basdev Mahto
R/o village- Bijbani Baraiya Tola , P.S.- Jitna , District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 64727 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- GHORASAHAN District- East
Champaran

Shailendra Kumar Son of Rampravesh Mahto Resident of village - Bijbani
Bairiya Tola, P.S.- Jitna (Ghorasahan), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 63587 of 2024)
For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP
(In CRIMINAL MISCELLANEOUS No. 64727 of 2024)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-10-2024 Heard Mr. Prateek Tandon, learned counsel for the

petitioner and Mr. Mohammad Sufyan, learned learned APP for

the State (in Cr. Misc. No. 63587 of 2024) and also Mr.

Abhishek Kumar, learned counsel for the petitioner and Mr.

Kalyan Shankar, learned APP for the State (in Cr. Misc. No.

64727 of 2024).



2. Petitioners seek bail, who are in custody since 24.03.2023, in connection with Sessions Trial No. 784 of 2023 arising out of Ghorasahan P.S. Case No. 136 of 2023, F.I.R. dated 17.03.2023 registered for the offences punishable under Sections 302, 394, 34 of the Indian Penal Code and Section 25(1-b)a, 27 of the Arms Act.

3. The F.I.R. of the occurrence of loot is against unknown.

4. Earlier the bail petition of the petitioners was rejected vide order dated 14.09.2023 passed in Cr. Misc. No. 47351 of 2023 and Cr. Misc. No. 48137 of 2023.

5. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. Further submits that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of the confessional statement of co-accused person namely Jiwit Ray and thereafter the petitioner namely Sandeep Kumar has confessed his guilt and one arms has been recovered which was used in the present crime from the house of the petitioner (Sandeep Kumar) and Sandeep Kumar has also named the accused person namely Shailendra Kumar and accused Sandeep Kumar has confessed



that he has fired upon the victim. He further submits that except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence.

6. Vide order dated 04.09.2024 a report was called for with regard to the stage of the trial in Cr. Misc. No. 63587 of 2024. The report of the learned Trial court dated 05.10.2024 reveals that the case record suggests that the case is running on evidence.

7. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the arms which was used in the present crime in question which has been recovered from the possession of the petitioner namely Sandeep Kumar and he has also named the accused Shailendra Kumar and apart from that both the petitioners carry five more cases other than the present one.

8. Considering the aforesaid facts as well as report of the learned Trial Court, I am not inclined to enlarge the petitioners on bail in connection with Sessions Trial No. 784 of 2023 arising out of Ghorasahan P.S. Case No. 136 of 2023 pending in the Court of learned 19th Additional Sessions Judge, East Champaran, Motihari.



9. Prayer is refused.

10. However, the learned Trial court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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