

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4302 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- PUNPUN District- Patna

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Shashi Ranjan Kumar Son of Satyendar Singh @ Satendra Singh Village-
Chak Pipra, Police Station- Pipra, Dist- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Piyush Singh, Adv.

For the Respondent/s : Mr. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-12-2024 Heard Mr. Ramakant Sharma, learned Senior counsel

for the petitioner and the State and Mr. Bhola Prasad

representing the respondent no. 2.

2. This Criminal Appeal is directed against the
impugned order dated 17-08-2024 passed in Spl. Case No.
168/2024 arising out of Punpun P.S. Case No-127/2024 dated
26.04.2024, for the punishable offences under Sections
342/326/307/302/120(B) of I.P.C & 27 Arms Act & 3(2)(v)(va)
of SC/ST Act which has been passed by the Learned Court of
Mr. Pankaj Chauhan, Exclusive Special Judge, SC/ST Act, Civil
Court (Sadar), Patna, whereby and whereunder prayer for bail of
the Appellant has been rejected in which the Appellant is
praying for setting aside the impugned order dated 17-08-2024
and for releasing the Appellant on regular bail, during the
pendency of aforesaid appeal.

3. As per the prosecution story, the informant has



alleged that while his brother had gone to attend a function, as he was returning, the unknown criminals shot at him as also his friend. They were rushed to the hospital where his brother was declared brought dead while his friend was fighting for his life. This led to the FIR.

4. It is the case of learned Senior counsel that the petitioner runs an electronic shop, has no criminal antecedent, he had absolutely no role in the alleged killing. The further submission is that the police in course of investigation, picked up one Vicky Kumar and made him to confess the crime as also his accomplice and on that basis, this petitioner has been picked up. Even assuming the said confessional statement, role of opening fire has not been attributed to him. The further submission is that any confession made before the police is not admissible in the eyes of law.

5. Mr. Bhola Prasad represent the informant and according to him, after the occurrence, the police came along with the professional police dog who picked up a mobile phone, it turned out to be of that of the accused, Vicky. When he was picked up, he spilled the beans naming the persons who were part of the crime and the reason according to him being in financial crisis, he was offered money for the killing by Pappu



Kumar, Avinash Kumar @ rifle, Deepak Kumar and this petitioner.

6. According to him, an advance of Rs. 1,00,000/- was also provided to him, they missed the chance during the cricket tournament but later this petitioner and the others who had made advance payment informed that he is going to attend a marriage ceremony. In his confessional statement, Vicky Kumar has also recorded that this petitioner was serving as a liner and informed that Saurabh has left the marriage place and is returning. Accordingly, they stationed themselves and upon sight, opened fire which killed Saurabh and injured his friend.

7. Later, in three installments, Rs. 6,00,000/- were paid, some of which were distributed to his friends and most of the amount went to meet the financial crisis he was having. He submits that Pappu Kumar also made his confessional statement and on the basis of that, the police raided Sonali Enterprises Cement shop belonging to Pappu Kumar and recovered arms/live cartridges.

8. Subsequently, this petitioner was also picked up and he gave his narration that besides electronic shop, he was in the sale/purchase of land and whenever he used to go for an agreement of land with huge advance payment, the deceased



was taking away that land offering different amount. Twice it happened causing financial loss of more than ten lakhs, being infuriated, he along with other accused persons offered money to the accused and later informed them about the presence of deceased at the marriage place. This time, the accused were successful in killing Saurabh.

9. Having heard the parties and gone through the materials on record/the case diary which has come pursuant to the order of the Co-ordinate Bench, a confession before police may not be admissible finally in the Trial Court, the circumstance, the corroborative evidence as also the reasons that have been assigned which led to the killing of Saurabh, definitely can be considered for the bail purpose.

10. Here is a case where consistent statements of all the arrested persons are in line with the alleged occurrence leading to the killing of Saurabh and injury to his friend. Taking into account the aforesaid facts, the petitioner is not entitled for any relief.

11. Accordingly, the bail application stands rejected.

(Rajiv Roy, J)

Vijay Singh/-

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