

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70598 of 2023**

Arising Out of PS. Case No.-393 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Sharwan Kumar Mandal S/O- Ram Mandal R/O Village Pakki Sarai, C.I.T. Bricks, Ghogha, P.S.- Ghogha
2. Sharwan Kumar S/O- Fakir Yadav Village Bakiya Ranichak Barari P.S. Barari District Katihar At Present C.I.T. Bricks Ghogha, P.S.Ghogha, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

5 05-03-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners have preferred this application
for grant of regular bail in connection with Kahalgaon (Ghogha)
P.S. Case no. 393 of 2023 registered under sections 302, 201
and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states
that he received information that his younger brother who used
to work as a khalasi had been murdered.

4. Learned counsel for the petitioners submits that the



F.I.R was registered against unknown. The name of the petitioners transpired in course of investigation in the confessional statement of co-accused Sanju Devi as also their own confessional statement. The so-called confessional statement, said to be made before police is of no value. The petitioner are in custody since 5.4.2023.

5. The application for bail is opposed by learned APP for the State who submits that the name of the petitioners have transpired in the confessional statement of co-accused Sanju Devi as also their own respective confessional statements. As per the confessional statements while petitioner no. 1 is said to have given a knife blow on the deceased, petitioner no. 2 is said to have slit the throat of the deceased. The alleged knife which was used for committing the offence was recovered as a result of the statements. It is lastly submitted that the postmortem shows as many as twelve injuries on the body of the deceased.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the material that has transpired in course of investigation with respect to the petitioners, the contents of the confessional statement where the petitioners are described as the assailant of the deceased together with the confessional statements leading



to recovery of the knife in question, the Court is not inclined to
enlarge the petitioners on bail and the application is rejected.

(Partha Sarthy, J)

Harsh/-

U		T	
---	--	---	--

