

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78213 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Sagar Patel Son of Mahesh Mahto @ Mahesh Prasad Mahto Resident of
Village - Patelpur, P.S. - Surajgarha, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Surajgarha P.S. Case No. 68 of 2024 instituted for the offences
under Sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, the dead body of the
informant's son was found hanging by the ceiling fan and his
golden chain and mobile phone were also found missing.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner
transpired in this case on the basis of confessional statement of
the co-accused Shashank Kumar. Learned counsel further



submitted that confessional statement before the police has no evidentiary value in the eyes of law. Learned counsel further submitted that except confessional statement, there is no cogent material available against the petitioner nor any incriminating article has been recovered from his conscious possession. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.02.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that as per paragraph no. 28 of the case diary, the petitioner has confessed that he along with other accused persons committed the murder of the deceased by strangulating his neck. Learned APP further submitted that even as per post-mortem report, the ligature mark were found over the anterior and upper side of the neck, which supports the case of the prosecution.

6. Considering the confessional statement of the petitioner wherein he has specifically stated that he committed the murder of the deceased by strangulating his neck which is further supported by the post-mortem report and other facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is not inclined to grant



bail to the petitioner. Accordingly, the prayer for grant of bail to the petitioner is rejected.

7. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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