

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78762 of 2024

Arising Out of PS. Case No.-237 Year-2024 Thana- KANKARBAG District- Patna

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Suraj Kumar Mahto S/o Late Harendra Mahto R/o Tripoilia, Near Noorani
Bagh Colony Park, P.S. - Alamganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 13-12-2024 1. Heard the parties.

2. The petitioner seeks regular bail in connection with Kankarbagh P.S. Case No. 237 of 2024 registered for the offence under Sections 302 & 34 of the I.P.C. and Section 27 of the Arms Act.

3. The prosecution case as per the first information report is that on 04.04.2024 the brother of the informant, who was working as a vendor in Anamika Indane Gas Agency, Kankarbagh was shot dead by two unknown persons who were riding on a motorcycle. The petitioner was driving the motorcycle on which the shooter was sitting, who shot dead the informant's brother.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of



the fact that he was driving the motorcycle at the time of occurrence when the pillion rider Sandeep Kumar Yadav shot the informant's brother dead on the road. Learned counsel next submits that the motorcycle does not belong to the petitioner and the co-accused / Sandeep Kumar Yadav without informing the petitioner about his intention to kill somebody told the petitioner to drive the motorcycle belonging to his sister. In the confessional statement also the co-accused Rahul Kumar Das did not disclose the name of the petitioner as one of the conspirators of the offence. The money which was paid for killing the deceased was paid by Rahul Kumar Das. The petitioner is having no criminal antecedent and he is in custody since 06.04.2024.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that regular bail application of the co-accused / Sandeep Kumar Yadav and Rahul Kumar Das have been rejected by this court who were involved in the murder of the informant's brother. The petitioner is the friend of the main accused Sandeep Kumar Yadav and he has been seen in the CCTV footage along with Sandeep Kumar Yadav at the time of occurrence driving the motorcycle.

6. Having regard to the submission made by the parties,



taking into consideration the gravity of offence, the severity of punishment and the fact that petitioner was driving the motorcycle at the time of occurrence, I am not inclined to grant regular bail to the petitioner. The same is rejected.

7. However, the petitioner may renew his prayer for bail after one year if the trial does not show any substantial progress.

(Anil Kumar Sinha, J)

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