

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10210 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- MATIHANI District- Begusarai

Ramadhar Singh@ Ram Aadhar Singh Son Of Siya Ram Singh Resident Of
Village- Ward No. 1, Sihma, Ps- Matihani, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 21792 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- MATIHANI District- Begusarai

Manoj Mahto Son of Nepo Mahto @ Nepal Mahto R/o Village-
Karmuddinpur, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 10210 of 2024)
For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP
(In CRIMINAL MISCELLANEOUS No. 21792 of 2024)
For the Petitioner/s : Mr. Amresh Kumar Verma, Adv.
For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP-84

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 29-05-2024 Heard learned counsel for the petitioner of both the

cases, learned counsel for the informant and learned A.P.P. for

the State.

2. The petitioners seek regular bail in connection with

Matihani P.S. Case No. 97 of 2023 dated 02.07.2023, lodged

under Section 363/34 of the I.P.C. and later on Sections 302,

201 and 120(b) of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against unknown accused persons by the mother of the deceased that his son become traceless since 07:30 P.M. evening of 29.06.2023 whose dead body was recovered later on.

4. Learned counsel for the petitioner of Cr. Misc. No. 10210 of 2024 submits that the petitioner is not named in the F.I.R. His name has figured in this case during investigation by virtue of confessional statement of one Rohit Kumar and subsequently, his self-confession has been used against him. He further submits that there is no eye witness of this present occurrence, only on the basis of confessional statement, the names of the petitioner and other accused persons have been figured in this case. He further submits that from the bare reading of the confessional statement of the co-accused, it is clear that the originator of the crime is one Amit Kumar, on whose instance the entire occurrence took place. There are three criminal case pending against him, due to misinformation in the main petition, he has disclosed about one criminal case but subsequently by way of filing supplementary affidavit, he has disclosed about all three criminal cases pending against him in which he is on bail. He further submits that petitioner is in custody since 06.07.2023 and since there is no witness and the

case is based on confessional statement, therefore, he deserves for bail, particularly, when the case has already been committed before the Sessions Court.

5. Learned counsel for the petitioner of Cr. Misc. No. 21792 of 2024 submits that his case is also based on confessional statement only, save and except the confessional statement, there is no material against him also. The accused of this occurrence has already been disclosed that it is the Amit Kumar who is responsible for commission of the said crime. He further submits that there is no criminal antecedent of the petitioner and he is in custody since 04.07.2023.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that the dead body of the deceased has been recovered on the basis of the confessional statement of the said Rohit Kumar who has disclosed the name of the petitioners.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is true that F.I.R. has been lodged against unknown accused persons but it is also true that the dead body has been recovered by the confessional statement of the Rohit Kumar which is in paragraph 39 of the case diary. Since, dead body has been recovered by virtue of the confessional statement of the co-accused, therefore, the version

of the co-accused shall be relied upon. He further submits that he has stated the entire *modus operandi* of the occurrence and happening later on. He submits that his confessional statement and confessional statement of petitioner of Cr. Misc. No. 10210 of 2024 is completely tallied.

8. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners and therefore, their bail petitions are hereby rejected.

9. The trial Court is directed to expedite the trial as early as possible.

10. With this observation, the bail application stands rejected.

(Dr. Anshuman, J)

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