

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5966 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- TATARPUR District- Bhagalpur

Ajit Kumar @ Amka Son of Wakil Prasad Sah Resident of Vill- Hariharpur,
P.S.- Kajraili, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP
For the Informant : Mr. Samir Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 24-04-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary called for in Cr. Misc. No. 4495 of 2025.

2. The petitioner seeks bail in connection with
Sessions Trial No. 851 of 2024 arising out of Tatarpur P.S. Case
No. 125 of 2024 instituted for the offences under Section
103(1) of the Bhartiya Nyaya Sanhita, 2023 and later on added
Section 61 of the B.N.S. and Section 25(1-b)a, 27, 35 of the
Arms Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder of the Informant's son namely Raunak Kedia.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



only on the basis of suspicion as also police mechanism. The petitioner is not named in the F.I.R. and his name has transpired in course of investigation on the basis of the confessional statement of the co-accused Amit Kumar Singh @ Amit Mandal recorded before the police which has no evidentiary value in the eye of law. There is no eye-witness to the alleged occurrence. Even the CDR location of the petitioner was not found at the place of occurrence. Except confessional statement of the co-accused, there is nothing adverse against the petitioner in the entire record of this case. Learned counsel for the petitioner further submits that there is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The direct and specific allegation of killing the deceased is on Dilkhush. The petitioner has no criminal antecedent and is languishing in judicial custody since 17.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The Informant in re-statement contained in Para-14 has witnesses at Para 15, 16, 17, 18 have supported the prosecution case. Para-89 of the case diary contains the confessional



statement of the petitioner in which he has confessed his guilt of being involved in the alleged occurrence. The postmortem report also supports the prosecution case. He further submits that after submission of charge-sheet, the learned court below has taken cognizance u/s 103(1)/61/3(5) of the B.N.S. and Section 25(1-B)a/26/27/35 of the Arms Act and the record has been committed to the learned Sessions Court.

6. Learned counsel for the Informant submits that the trial is in progress and, up till now, two witnesses have been examined.

7. Having heard learned counsel for the parties and considering the entire facts and circumstances of the case as also the nature and gravity of the offence coupled with the fact that the trial is already in progress, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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