

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9475 of 2025

Arising Out of PS. Case No.-210 Year-2024 Thana- BUNIYAD GANJ District- Gaya

Raushan Kumar Son of Sanjay Sharma Resident of village - Bilarpur (Wrongly written in the Impugned order as Bilaspur due to typographical mistake), P.S.- Sirdala (Wrongly typed as Shirdela in Impugned order), District - Nawada (Wrongly mentioned in Impugned order as Gaya due to typographical mistake)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shashank Shekhar, Advocate
For the Opposite Party/s :	Mr.Ram Anurag Singh, APP
	Mr. Sanjay Kumar, Advocate
	Mr. Binod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 16-05-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Buniyadganj P.S. Case No. 210 of 2024, dated 27-08-2024, instituted for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that the informant's sister, Daulti Devi, who had been living with him at Village Nanauk for the past year, was killed on 26.08.2024. The informant was at Village Nauranga at the time, where his sister had transferred property to him. On 27.08.2024, he was informed over the phone that Daulti Devi had been killed by



Manish Kumar, Santosh Kumar, Sanjay Prajapat, Manoj Kumar, Rahul Kumar @ Karu, Raushan Kumar, and Pappu Kumar by slitting her throat with a sharp weapon. When he reached at Nanauk, he found her dead with several injuries on her body. The motive for the murder was a property dispute, leading to the filing of an FIR against the named accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in the present case due to confusion regarding his identity. The petitioner is not named in the FIR, which alleges that some other accused killed the informant's sister over a land dispute. The FIR is based on hearsay, and the informant is not an eyewitness. The petitioner, Raushan Kumar son of Sanjay Sharma, has no concern with either the deceased or the accused persons named in the FIR. The only basis for his false implication is his mobile tower location near the place of occurrence and an alleged confessional statement to the police, which is inadmissible in law. No eyewitness, including the informant's wife, has named the petitioner. No incriminating material has been recovered from possession of the petitioner. The petitioner is a barber by profession and happened to be in the area due to work. It is further submitted that the petitioner's presence at the place of



occurrence was purely accidental and work-related. Lastly, it has been submitted that the petitioner has been in custody since 10-09-2024 and has no criminal antecedents.

5. Learned counsel for the informant and learned Additional Public Prosecutor for the State vehemently opposed the prayer for bail. It is submitted that the evidence gathered during the investigation establishes a strong link between the petitioner, the crime, and the co-accused persons. It is further submitted that paragraph 11 of the case diary records the statement of the informant's wife, who has supported the prosecution case and corroborated the allegations made in the FIR. Learned counsel for the informant submits that, as per paragraphs 57 and 58 of the case diary, Call Detail Records (CDR) and Customer Application Form (CAF) analysis of co-accused Rahul Kumar and Manish Kumar's mobile numbers shows their phones were found near village Nanauk during the time of the alleged offence on the night of 26–27 August 2024. It is further submitted that these mobile numbers had frequent contact with mobile number 6203187003, which is registered in the name of the petitioner, Raushan Kumar. These facts, based on data analysis, indicate that the petitioner was in close contact with the FIR-named accused and was present near the place of



occurrence at the relevant time. Learned counsel for the informant submits that paragraph 75 of the case diary reveals the petitioner's mobile number 6203187003 was active near village Nanauk from 23:54 to 02:25 on the night of the occurrence and was in contact with co-accused Rahul Kumar and Manish Kumar. Learned counsel for the informant further submits that the supervision note in paragraph 104 of the case diary shows co-accused Rahul Kumar's mobile number 7519946400 was in Nanauk from 23:04:43 on 26.08.2024 to 02:14:06, having regular contact with the petitioner's number. Similarly, co-accused Manish Kumar's mobile number 8252199810 was also active in Nanauk that night and recorded a 67-second call with the petitioner's number. This call history, coupled with the mobile tower records, clearly indicates that the petitioner was in close contact with the FIR-named accused persons and was present near the place of occurrence during the time of the alleged occurrence. These facts corroborate the allegations made in the FIR and strongly suggest the petitioner's involvement in the offence.

6. Considering the seriousness of the offence, which relates to a cold-blooded murder, and taking into account the petitioner's detailed Call Detail Records (CDRs) as well as his



confessional statement that provides a clear and detailed description of the occurrence, a strong suspicion arises regarding his involvement in the crime. In view of these circumstances, I do not find it a fit case for grant of regular bail at this stage.

7. The Trial Court is directed to expedite the trial and take all endeavour to conclude the trial at the earliest, preferably, within a period of nine (09) months from the date of receipt or production of a copy of this order. In the event, the trial is not concluded within the stipulated period, the petitioner shall be at liberty to renew the prayer for bail after the expiry of nine months.

8. The application stands rejected.

(Khatim Reza, J)

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