

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15156 of 2025

Arising Out of PS. Case No.-138 Year-2024 Thana- MEHANDIGANJ District- Patna

1. Rohit Kumar @ Rohit Kumar Choudhary, age 26 years (Male), Son of Yogendra Choudhary @ Gudri, R/O Village- Gulzarbadh, Dadar Mandi, P.S.- Alamganj, Dist- Patna
2. Dablu Kumar Choudhary, age 33 years (Male), son of Raju Choudhary, R/O Village- Lal Imli Chowk, Shikarpur, Sadhu Ram Ka Mohalla, P.S.- Chowk, Dist- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Nityanand Kumar, Advocate
For the Opposite Party	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 01-07-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Mehndiganj P.S. Case No. 138 of 2024 dated 20.08.2024 registered for the offence punishable under Section 137(2) of the B.N.S., 2023. Later on, Section 103 read with Section 3(5) of the B.N.S., was also added in which charge sheet has been submitted for the offences punishable under Sections 103(1), 238 read with Section 3(5) of the B.N.S.

3. As per the prosecution case, on 18.08.2024 at about 8.30 P.M., the son of the informant, namely, Dev Kumar aged



about 20 years, left from home to Mehandiganj Railway Gumti and did not come back till next morning. Thereafter, the informant searched nearby places but did not found her son.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. The petitioners are not named in the F.I.R. and their names have surfaced in the present case only on the basis of their self confessional statement made before the police which has got no evidentiary value in the eyes of law. Except their confessional statement made before the police, there is no other substantive evidence to suggest the implication of the petitioners in the present case. No incriminating article has been recovered from the possession of the petitioners. There is no eye witness to the alleged offence. The petitioners were not arrested on the spot. The charge sheet has been submitted in the present case. The petitioners have no concern with the alleged offence. The petitioner no. 1 has one criminal antecedent in which he is on bail and the petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioners are in custody in this case since 25.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioners and has further



submitted that in paragraph nos. 61 and 62 of the case diary which is the confessional statement of the petitioners in which they have stated that the petitioners alongwith Shivam Kumar @ Chinese killed the son of the informant, Dev Kumar, after strangulating him and threw the dead body in the canal by the side of *Railway Line* under *Kumhrar Over Bridge*. The postmortem report also suggests the confessional statement of the petitioners as made before the police.

8. Considering the aforesaid facts and circumstances of the case as well as heinous nature of accusation against the petitioners, this Court is not inclined to grant bail to the petitioners and the same is rejected in connection with Mehndiganj P.S. Case No. 138 of 2024, pending in the court of learned J.M.F.C., Patna City, Patna.

9. The application stands rejected.

10. The learned trial court is directed to expedite the trial of the petitioners and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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