

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23028 of 2025

Arising Out of PS. Case No.-146 Year-2024 Thana- VIJAYEPUR District- Gopalganj

1. Brijesh Kumar, Son of Bangali Ram, R/o village- Bhujauli Kala, Ps- Vijayepur, Dist- Gopalganj.
2. Sangam Kumar Son of Bihari Ram R/o village- Bhujauli Kala, Ps- Vijayepur, Dist- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshay Ashish, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-09-2025 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the State.

2. The petitioners seek bail in connection with Vijayepur
P.S. Case No. 146/2024, registered for the offence under Sections
103, 61, 238/3(5) of BNS Act.

3. The both above-named accused/petitioners are
named in the F.I.R. and are in custody since 05.12.2024.

4. A suspicion was raised by the informant against
named co-accused persons to commit murder of brother of the
informant due to previous enmity.

5. Learned Counsel appearing on behalf of the
petitioners submitted that in view of suspicion raised by the
informant through FIR, police apprehended co-accused Ganga



Dayal, who confessed before the police that his maternal brother, namely, Sunny Kumar committed murder of brother of the informant by inflicting knife injury and he concealed said knife at some isolated place. On instance of said co-accused Ganga Dayal, the knife was recovered whereafter, named co-accused Sunny Kumar was also arrested by the police against whom the suspicion was raised through FIR, who subsequently through his confessional statement also confessed to commit murder of the brother of the informant alongwith other named co-accused persons including petitioners, against whom the suspicion was raised. It is submitted that if the confessional statement of co-accused Sunny Kumar be taken into consideration, then even the allegation to commit murder of brother of the informant is not available against these petitioners, rather they were present over there and were caught hold to the brother of the informant during the occurrence. It is submitted that the implication of these petitioners is out of previous enmity and save and except suspicion arising out of confessional statement of co-accused Sunny Kumar, nothing incriminating available against these petitioners, which may connect petitioners *prima facie* with the present crime in question. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-



sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioners are said to be men of clean antecedent. Explaining further, it is pointed out that petitioner no. 1 was found involved in one more criminal case, where he was acquitted after facing the trial.

6. Learned APP while opposing the prayer of bail submitted that in terms of confessional statement of co-accused Sunny Kumar, these petitioners actively participated in the occurrence but could not disputed the factual submission as advanced by learned counsel appearing for the petitioner.

7. Considering the aforesaid factual submissions and by taking note of fact as save and except suspicion as raised through FIR and also through confessional statement of apprehended co-accused Sunny Kumar, *prima facie* nothing incriminating appears against these petitioners as to connect them with the present occurrence of murder, coupled with the fact that investigation of this case is already completed, where both petitioners remains in custody since 05.12.2024, accordingly, both above-named petitioners are directed to be released on bail in connection with Vijayepur P.S. Case No. 146/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class,



Gopalganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

