

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25760 of 2025

Arising Out of PS. Case No.-432 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Sujit Kumar @ Sujeet Kumar, aged about 20 years, Gender-Male, S/o Babu Lal Mahto, R/o Village-Sirsi, Ek dara, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vijay Anand, Advocate
For the Informant	:	Mr. Manish Kumar No. 13, Advocate and Mr. Rohit Kumar, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-07-2025 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 Bibhutipur P.S. Case No. 432 of 2022 dated 16.11.2022 registered for the offences punishable under Section 302 read with Section 34 of the I.P.C.

3. As per the prosecution case, the co-accused persons, namely, Sujeet Kumar, S/O Shankar Mahto, Shankar Mahto and their 4-5 associates brutally assaulted the husband of the informant, due to which, he died.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is general and omnibus allegation against the petitioner. The petitioner is not named in the F.I.R., and his name has surfaced in the present case on the basis of the confessional statement of the co-accused Sujeet Kumar, S/O Shankar Mahto, whose name has been transpired in the statement of the husband of the informant (deceased). The name of the petitioner is Sujit Kumar @ Sujeet Kumar, S/O Babu Lal Mahto. The informant is not an eye witness to the alleged offence. It is further submitted that even for a sake of argument, if it is accepted that the deceased is the eye witness but he failed to disclose any specific overt act against Sujit Kumar @ Sujeet Kumar, S/O Babu Lal Mahto (petitioner) or others. It is further submitted that only because the earlier dispute, the name of the petitioner has been dragged in the present case only on the basis of suspicion. It is further submitted that during the course of investigation, police arrested the petitioner and took his signature on a plain paper and used the same as his confessional statement which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from the possession of the petitioner. The police



after investigation, submitted charge sheet against the petitioner and other. It is submitted that the other co-accused person, namely, Balmiki Kumar @ Amit Kumar @ Balmiki Kumar Yadav has already been granted bail by a Bench of this Court in Cr. Misc. No. 59271 of 2024 under order dated 20.09.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 26.11.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Rosera, District- Samastipur in connection with Bibhutipur P.S. Case No. 432 of 2022 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are



liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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