

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51534 of 2025

Arising Out of PS. Case No.-74 Year-2024 Thana- MORKAHI District- Khagaria

Mukesh Paswan S/o Rajgeer Paswan @ Rajgir Paswan R/o Village- Bagrash,
P.S.- Bakhari, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Braj Bhusan Poddar, Advocate Mr. Yogesh Chandra Verma, Sr. Advocate
For the State	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Rajesh Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

8 28-11-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120B and 34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act which was earlier rejected vide order dated 17.01.2025.

3. Learned counsel for the petitioner has submitted that at that moment, he could not bring to the notice some glaring facts. Petitioner is in custody since 19.06.2024.

4. The case of the prosecution is that the brother of the informant, namely, Shambhu Kumar had gone for measuring land. After measurement, one Dinesh Rajak and



Shambhu Kumar were returning on their TVS bike. Dinesh Rajak was his pillion and at 6 PM, two bikers overtook and fired at Shambhu Kumar. He was rushed to the hospital where he died during his treatment.

5. Learned counsel for the petitioner has submitted that the ground for rejection of the bail of this petitioner was that on the basis of his disclosure, the weapon of assault was recovered. He has further submitted that from perusal of para-61 of the diary, it is clear that one Prince Kumar has given his confessional statement prior to this petitioner and he has also disclosed that the weapon of assault has been kept at his matrimonial house concealed in cow dung. Learned counsel for the petitioner has also submitted that from perusal of the para-66 of the diary, it will also transpire that the petitioner and Prince both were taken to the place where the weapon of assault was recovered. He has further submitted that these two paras go to show that the disclosure regarding the weapon of assault is already made by Prince Kumar and police has very conveniently combined this petitioner with the earlier statement of Prince.

6. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer



of regular bail. Learned counsel for the informant has submitted that from perusal of para-254 of the diary, it will transpire that the CDR shows that the locations of petitioner's mobile number was found near the place of occurrence.

7. Countering this argument, learned counsel for the petitioner has submitted that CDR is a secondary evidence and for proving that, a certificate under Section 65 of the Indian Evidence is required. It has also been submitted that the location which is given in CDR, does not pin point the place rather it is about a place where certain tower is there. This place may be wider. Moreover, it has been submitted that there is only evidence that the petitioner had talks with Prince but the confessional statement which this petitioner has made, has not leaded to recovery.

8. Having heard learned counsel for the parties and considering the above facts and circumstances of this case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Morkahi P.S. Case No. 74 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Khagaria with **the condition that the petitioner**



**shall cooperate in trial and shall be physically present
before the learned trial court whenever required.**

(Ashok Kumar Pandey, J)

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