

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53034 of 2025

Arising Out of PS. Case No.-139 Year-2016 Thana- BARH District- Patna

Mukesh Kumar @ Budhan Gope @ Budhan Yadav Son of Birendra Yadav @
Bijender Yadav Village-Noniya Bigha, P.S.-Hilsa, District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharwan Kumar, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-11-2025

Heard learned counsel for the parties.

2. Petitioner seeks regular bail in a case registered for the offence punishable under sections 394, 302/34 of the Indian Penal Code.

3. As per prosecution case, when a police official was returning on his motorcycle to Maranchi Police Station, where he was posted, after doing court work, two miscreants riding on a motorcycle shot at him causing his instant death. Holster of the deceased police man was open and his official pistol was missing.

4. Learned counsel for the petitioner submits that the FIR is against unknown and petitioner's name has come in this case during course of investigation on the basis of confessional statement of co-accused Lalan Singh after nine years of the occurrence. He submits that name of one Mukesh Kumar of village Barah, police station Belchhi came in confessional statement of Lalan Singh who was one of the associates but to save real culprit name of petitioner, namely, Mukesh Kumar @ Budhan Gope @ Budhan Yadav Son of Birendra Yadav @



Bijender Yadav Village-Noniya Bigha, P.S.-Hilsa, District-Nalanda, who is not said Mukesh Kumar, has been dragged by the police. Reference, in this regard, is made to paragraph 270 of the case diary. However, save and except confessional statement, there is no other direct or indirect evidence against the petitioner to show his complicity in the occurrence. Charge sheet has already been submitted and petitioner is in custody since 18.4.2025.

5. Learned counsel for the State opposes the prayer for bail submitting that it is a case of day light murder of a police man who was returning to the police station on completing his court work. Petitioner has chequered history being accused in 12 cases of serious nature like robbery, dacoity, murder involving use of arms.

6. Considering the severity of the allegations and the petitioner's extensive criminal record raising substantial concerns regarding petitioner's propensity for violence and disregard for the law, this Court finds that granting bail would not be appropriate. Therefore, prayer for bail is hereby rejected.

7. Since petitioner is in custody since 18.4.2025, let trial be expedited and concluded preferably within a year.

(Prabhat Kumar Singh, J)

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