

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69709 of 2024

Arising Out of PS. Case No.-243 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Sudhanshu Singh @ Sudhanshu Kumar, Son of Bhagwan Singh, Resident of
Village - Bairiya, P.S. - Sahebganj, District - Muzaffarpur, Bihar.. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Advocate Mr.Awnish Kumar, Advocate
For the Opposite Party/s	:	Mr.Veena Kumari Jaiswal, APP
For the Informant	:	Mr. Upendra Kumar Chaubey, Advocate Mr. Suraj Narain Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

12 21-07-2025 Heard learned counsel appearing on behalf of the
petitioner, learned APP appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in connection with Sahebganj P.S. Case No. 243 of 2024 registered for the offence under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 05.07.2024.

4. As per FIR, the murder of son of the informant was committed by some unknown persons in a nearby High School, from where he was referred to S.K.M.C.H. at Muzaffarpur. Informant received information *qua* occurrence through local Chaukidar. Informant raised suspicion against one Kamlesh



Bhagat, Vicky Kumar, Ravi Singh and Abhushekh Kumar, who are named accused.

5. Mr. S.B.K. Mangalam, learned Counsel appearing on behalf of the petitioner submitted that the name of petitioner in present occurrence transpired on the basis of confessional statement of named co-accused Vicky Kumar @ Rohit Kumar Singh, against whom informant raised his suspicion. It is pointed out that in furtherance of said confession, the petitioner was apprehended with present case and, thereafter his confessional statement was also recorded. It is submitted that in furtherance of self confessional statement of petitioner/accused, nothing incriminating recovered/surfaced during course of investigation, which may connect him, *prima facie* with present occurrence of murder. It is pointed out that save and except suspicion arising from confessional statement of co-accused and self confession of petitioner made before police, nothing incriminating appears against petitioner during course of investigation. It is submitted that petitioner found involved in seven more criminal cases but none of case was lodged under Section 302 of the IPC and in all seven cases, petitioner is on bail. It is submitted that if petitioner otherwise entitled for bail, merely on the basis of his criminal antecedents, his prayer of bail should not be rejected ordinarily. In



support of his submission, Mr. Mangalam relied upon the legal report of Hon'ble Supreme Court available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***. While concluding argument, it is submitted that the co-accused, who named this petitioner in his confession, namely Vicky Kumar @ Rohit Kumar Singh has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 78671 of 2024 dated 14.02.2025 and, therefore, judicial parity suggests that this petitioner also deserves bail.

6. Learned APP duly assisted by learned counsel Mr. Upendra Kumar Chaubey, appearing on behalf of the informant could not disputed the aforesaid submission as advanced by Mr. Mangalam.

7. Considering the facts and circumstances and by taking note of fact as even suspicion not appears raised against petitioner by the informant, who is not the *eye-witness* of the occurrence and, moreover, save and except suspicion arising out of confessional statement of co-accused and self confession of petitioner, nothing appears *prima facie* incriminating as to suggest the involvement of petitioner with the present occurrence of murder, coupled with the fact that petitioner is in custody since 05.07.2024, accordingly, petitioner above named, is directed to



be released on bail in connection with Sahebganj P.S. Case No. 243 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur/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)

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