

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73522 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Saurabh Kumar Son of Sri Hakkar Paswan Village- Mohanpur, ward no 10,
police station- Bakhityarpur (Balwahat OP) District -saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ratan Kumar, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
for the informant	:	Mr. Raushan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-02-2025 Heard Mr. Ratan Kumar, learned counsel for the

petitioner, Mr. Raushan Kumar, learned counsel for the

informant and Mr. Bharat Bhushan, learned APP.

2. The petitioner is in custody in connection with

Bakhtiyarpur P.S. Case No. 71 of 2024 for the offence

punishable under Sections 302, 201, 120B of the Indian Penal

Code and 27 of the Arms Act lodged on 20.02.2024 by the

informant, Saroj Paswan.

3. As per the prosecution story, the informant

(chowkidar) informed that while moving in the orchard of Late

Shyam Sundar Singh, found a person dead. Accordingly,

Bakhtiyarpur P.S. Case No. 71 of 2024 was lodged. It came to

the notice of the family of the deceased and they identified the



body. Subsequently, the investigation started and arrived at the door of Saurav Kumar (petitioner) who gave the confession that the Prince Kumar was having issue with the deceased inasmuch as he had opened fire causing injury to him. He accordingly made a plan along with his friends, Saurav, included, Satish and Golden, the deceased was taken to the place, they consumed 'Ganja' and, thereafter, while Saurav hit him on his head, Satish opened fire causing injury. Prince Kumar who had planned the entire conspiracy was regularly in touch and thereafter, directed Saurav to crush the SIM that has been used and leave the place.

4. It is the case of the petitioner that upon his arrest, the police forced him to confess the crime which is inadmissible in law. He has already remained in custody since 25.02.2024.

5. Learned counsel for the informant as also learned APP have taken this Court to paragraph-47 of the case diary to show that though the same may be inadmissible, the statement assumes weight in the light of the fact that all other materials seized/investigation that has taken place supports the statement made therein including the injuries that were found on the person of the deceased. This petitioner at the behest of Prince Kumar opened fire which killed the innocent.

6. Having taken note of the submissions and the



materials on record, firstly the statement made by the petitioner which fully supports the postmortem report, a young boy has been killed only because earlier he was having issue with Prince Kumar. Prince Kumar has already been denied bail by this Court in Cr. Misc. No. 61538 of 2024. The petitioner as per the prosecution story is the main assailant, in that background, no relief can be granted to him.

- 7. The petition stands rejected.
- 8. It would be expected that the learned Trial Court diligently take up the trial as the petitioner is in custody.

(Rajiv Roy, J)

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