

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5031 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- SABAUR District- Bhagalpur

DEVRAJ KUMAR @ MANDO son of Late Niranjana Bhagat Village- At
Kamarganj Ps- Sultanganj Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bijay Kumar Das Mahadeo Das Resident of Village- Munshi Chamar Lane
Gurhatta Chowk, P.S.- Mojahidpur, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajive Ranjan Singh, Advocate
For the Resp. No.2	:	Mr. Ashok Kumar No.6, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-08-2025 Heard Mr. Rajive Ranjan Singh, learned counsel for
the appellant, Mr. Ashok Kumar No.6, learned counsel for the
Respondent No.2 as well as Mr. Sadanand Paswan, learned
Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
22.09.2023 passed by the learned 3rd Additional Session Judge-
cum-Special Judge (SC/ST Act), Bhagalpur in A.B.P. No. 2336
of 2023 arising out of Sabour P.S. Case No. 161 of 2023, F.I.R.
dated 20.03.2023 registered under Sections 302/120B/34 of the
Indian Penal Code and Sections 3(ii)(v) of the Scheduled Castes
and Scheduled Tribes Act.



3. According to the prosecution case, the informant alleged that the appellant along with other co-accused persons in conspiracy have killed his son, namely, Nikhil Kumar (now, deceased).

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. The appellant is not named in the FIR and his name transpired during investigation on the basis of confessional statement of co-accused, namely, Sudhanshu Kumar and except the confessional statement of co-accused person, no other cogent material has come during investigation which suggest the involvement of the appellant in the present occurrence.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No.2 on the basis of materials available on record and case diary have vehemently opposed the prayer for anticipatory bail of the appellant and submits that the co-accused person, namely, Sudhanshu Kumar has confessed his guilt which is recorded in paragraph-32 of the case diary and other co-accused person, namely, Krishna Kumar



has stated that he along with other accused person, namely Sudhanshu Kumar have committed the present crime in question, which is recorded in paragraph-26 of the case diary and the appellant has also committed sexual assault upon the deceased boy.

6. Considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the appellant in connection with Sabour P.S. Case No. 161 of 2023 pending in the Court of 3rd Additional Session Judge-cum-Special Judge (SC/ST Act), Bhagalpur.

7. Accordingly, the impugned order is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

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