

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80684 of 2024

Arising Out of PS. Case No.-391 Year-2024 Thana- CHAPRA TOWN District- Saran

Rakesh Kumar S/O Sita Ram Mahto Resident of Village- Shiv Bazar, P.S.-
Bhagwan Bazar, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-03-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sessions Trial No. 795 of 2024 arising out of Chapra Town P.S.
Case No. 391 of 2024 instituted for the offence under Sections
341, 323, 337, 338, 307 & 34 of the Indian Penal Code.

3. Prosecution case in short is that on 17.06.2024,
Rohit Kumar was assaulted by petitioner and one Ravi Kumar
near ‘*Mahmood Chowk*’, causing serious injuries. He was taken
to Sadar Hospital and later referred to P.M.C.H., Patna for better
treatment. On 25.07.2024, Section 302 IPC was added after
Rohit Kumar's death.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 18-06-2024. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Informant is not the eye witness to the occurrence. It is submitted that from perusal of the FIR itself, it would reveal that petitioner and deceased both were taken to police station, thereafter, brother of the informant (deceased) was sent to Sadar hospital for treatment, which reflects the cruelty of the police, due to which deceased died. From perusal of the postmortem report, it would reveal that injuries were caused by hard and blunt substance. There is no recovery of any incriminating article from the possession of the petitioner Charge sheet is submitted in this case

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 17 of the case diary, learned APP fervently submits that petitioner has confessed his guilt and there is direct allegation against the petitioner in the FIR itself, hence, he does not deserve the privilege of grant of bail.

7. Considering the aforesaid facts and circumstances



of the case, there being direct allegation against the petitioner which is corroborated by this confessional statement, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail is, accordingly, *rejected*.

8. However, petitioner will be at liberty to renew his prayer for bail, if the trial is not concluded within a period of six months from today.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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