

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82553 of 2024

Arising Out of PS. Case No.-1025 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Pappu Mandal @ Pappu Kumar Son of Basisth Mandal R/O Vil.- Bajitpur,
P.S.- Bochahan, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Bela Singh, Adv.
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For the Informant	:	Mr. Shailendra Kumar Jha, Adv.

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

ORAL ORDER

3 18-02-2025 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the Informant. Perused the case diary.

2. The petitioner seeks bail in connection with Ahiyapur (Garaha) P.S. Case No. 1025 of 2024 instituted for the offences under Sections 137(2), 140(1), 3(5) & 103(1) of the B.N.S., 2023.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of firstly kidnapping the Informant's elder brother and, thereafter, committing his murder.

4. Learned counsel for the petitioner



submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. The petitioner is not named in the F.I.R. and his name has surfaced in this case in course of investigation on the basis of confessional statement of the co-accused Firangjeb @ Sahil, who is the driver of the co-accused Munna Kha. The petitioner is neither driver of the co-accused Munna Khan nor have any concern with the abduction or murder of the deceased. The petitioner has no concern with the alleged occurrence or the alleged land. Nothing incriminating has been recovered from the possession of the petitioner. As per statement of the co-accused Munna Khan, the petitioner was only his driver. The Informant is not the eye-witness the alleged occurrence. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. Learned counsel for the petitioner further submits



that except extrajudicial confession of the co-accused persons, there is nothing against the petitioner in this case. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The Informant and other witnesses in Para 2, 3, 4, 5 and 6 of the case diary have supported the prosecution case. The police has recovered used motorcycle and helmet of the deceased from the place of occurrence. Para-45 of the case diary shows the recovery of the deceased from Darbhanga district. There is confessional statement of co-accused Sahil which is contained in Para-55 of the case diary in which he has confessed that he along with co-accused persons have committed the offence. In Para-99, there is confessional statement of the co-accused Munna



Khan in which he has also stated that he in association with other co-accused persons including the petitioner has committed the offence. The police, on the basis of the disclosures made by the co-accused Munna Khan and Noor Khan, have also recovered the alleged vehicle used in the alleged occurrence bearing Regd. No. BR06DG-6435. The postmortem report supports the prosecution case. The Investigating Officer has submitted charge-sheet against the accused persons including the petitioner for offence under Sections 137(2), 140(1), 103(1), 61(2) of the B.N.S. The investigation is still pending. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also there being specific allegation against the petitioner of being involved in the alleged occurrence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the



petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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