

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80358 of 2024**

Arising Out of PS. Case No.-113 Year-2024 Thana- DUMARIAGHAT District- East  
Champaran

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Ajay Kumar S/o- Laldeo Mahto R/O- Vill- Bhawanipur, P.S-Sangrampur,  
Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.  
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP  
For the Informant : Mr. Krishna Kant Singh, Adv.

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

ORAL ORDER

3      17-02-2025                      Heard learned counsel for the petitioner and learned  
  
APP for the State as also learned counsel for the State.  
  
Perused the case diary.

2. The petitioner seeks bail in connection with  
  
Dumariyaghat P.S. Case No. 113 of 2024 instituted for the  
  
offences under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, the accusation against  
  
the accused persons including the petitioner is being involved  
  
in commission of murder of the Informant's husband by  
  
cutting his neck and head at *Diayara*.

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 transpired in this case in course of investigation on the basis of the confessional statement of the co-accused Manister Kumar and, except confessional statement, there is nothing adverse against the petitioner in the entire record of this case. Learned counsel for the petitioner submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. Nothing incriminating has been recovered from the physical/conscious possession of the petitioner or from his house. There is delay of three days in instituting the F.I.R. that to without there being any plausible explanation for such delay which makes it evident that the case has been instituted after due deliberation. Charge-sheet has been submitted in this case against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.05.2024 and has no criminal antecedent.



5. Per contra, 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 name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Manistar Kumar who has confessed his guilt as well as involvement of the petitioner in this case. He further submits that from Para 24 and 26 of the case diary, it appears that the confessional statement of the aforesaid co-accused Manister Kumar has led to recovery of the used sword and *farsa*. The inquest report as well as the postmortem report supports the prosecution case. He submits that there is specific and direct allegation against the petitioner of assaulting by *farsa* upon the head of the deceased. The Investigating Officer after completion of investigation has submitted charge-sheet against the petitioner under Sections 302/34 of the I.P.C.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also there being direct allegation of assault by *farsa* upon the head of



the deceased, 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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