

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81832 of 2024

Arising Out of PS. Case No.-429 Year-2024 Thana- BUXAR District- Buxar

Surendra Gond Son of Chhotelal Gond @ Chhotelal Resident of Village -
Asawar, P.S. - Karimuddinpur, District - Gazipur, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Adv.
For the Opposite Party/s : Ms. Renu Kumari, APP

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

ORAL ORDER

3 18-02-2025 Heard learned counsel for the petitioner and Ms. Renu
Kumari, learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Buxar
(Town) P.S. Case No. 429 of 2024 instituted for the offences
under Sections 103, 3(5) of the B.N.S. and Section 27 of the
Arms Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of being involved in
commission of murder of the Informant's father by firing.

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
is not named in the F.I.R. and his name has transpired in this



case merely on the basis of confessional statement of Sanjay Raut. 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 and the specific allegation of firing is against the co-accused Rohit. Nothing incriminating has been recovered from the physical/conscious possession of the petitioner or from his house. The petitioner is not the owner of the alleged motorcycle. There is no eye-witness to the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that the petitioner was apprehended along with the co-accused Sanjay Rawt who has stated in his confessional statement that co-accused Rohit Rai and the petitioner came on a motorcycle and Rohit shot the deceased. The postmortem report supports the prosecution case. The tower location of the mobile of the petitioner was also found near the place of occurrence on the alleged day and time of occurrence. In Para-85 of the case diary, there is confessional



statement of the co-accused Amar Kumar in which he has confessed his involvement in the alleged occurrence along with the petitioner and other co-accused persons. From Para-82 of the case diary, it appears that the police has recovered the used motorcycle from the co-accused Amar Kumar.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence, 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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