

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82562 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- SARMERA District- Nalanda

Kundan Kumar Son of Dinesh Das Resident of Village - Jagdishpur, P.S. -
Jayrampur, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Jee Mishra, Adv.
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Binoy Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 19-02-2025 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
Sarmera P.S. Case No. 143 of 2024 instituted for the offences
under Sections 103, 238, 61(2), 3(5) of the Bhartiya Nyaya
Sanhita, 2023.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder of the Informant's husband by strangulation.

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 on the basis of the confessional statement of the co-accused Sumit Kumar which has no evidentiary value in the eye of law. The petitioner is a driver and used to drive car on fare. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case under Sections 103, 238, 61(2), 3(5) of the B.N.S.

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 name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Sumit Kumar. The petitioner has also confessed his guilt in his confessional statement. The tower location of the mobile of petitioner has been near the place of occurrence on the alleged time of occurrence. The postmortem report supports the prosecution case.

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)

rishi/-

U		T	
---	--	---	--

