

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82166 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- Ghogha District- Bhagalpur

Ajay Kumar S/O Premlal Mandal R/O Village- Mirzapur Shankarpur Khawas,
P.S- Ghogha, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For the Informant/s	:	Mr. Subodh Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 06-02-2025 Heard learned counsel for the petitioner; learned counsel
for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 103(1), 238, 3(5) of the Bharatiya Nyaya Sanhita.

3. The case of the prosecution is that the brother of the informant namely, Pankaj Kumar was called by Sudarshan Mandal on 01.08.2024 at about 7 pm. After that, he had talk with Pankaj and he heard the voice of Pankaj and Sudarshan. They had verbal altercation considering a girl. The informant suspects that Sudarshan has committed his murder.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been



implicated in this case. He has got no criminal antecedent. From perusal of the *post mortem* report, it is clear that the doctor conducting the *post mortem* report has found three injuries on the person of the deceased. First is ligature mark 13 inch in length x 0.5 to 1 inch second is one incised wound 3.5 inch x 1 inch x cavity deep and third is also incised wound 5 inch x 2 inch x bone deep obliquely with sharp cut was present over just below left knee anteromedially. The confessional statement of Sudarshan is to the effect that the incised wound was caused after the death of the deceased whereas, from the *post mortem* report, it transpires that the incised wound are *ante mortem*. In this case, Sudarshan has named 4-5 persons as his associates and has attributed different roles to them but the story as developed by Sudarshan is not supported by medical evidence. There is nothing except confessional statement against this petitioner. It is further submitted that the petitioner is languishing in judicial custody since 23.08.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submits that during course of investigation, Sudarshan has given his confessional statement that he along with the petitioner and others has committed the murder and after that



they have concealed the body. It is also stated by Sudarshan in his confessional statement that they have filled salt in the stomach of the deceased after that he was dead. Learned counsel for the informant also submits that on the identification of Sudarshan, dead body was recovered as such the confessional statement of Sudarshan has got legal value.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Ghogha P.S. Case No. 94 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VIIIth, Bhagalpur.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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