

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3156 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- BANKA District- Banka

Rupesh Kumar @ Rupesh @ Sunil Kumar @ Sunil Yadav S/O Late Jagdish Yadav Resident of Village- Ranga, P.S.- Bousi, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Arjun Prasad, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Arya Achint, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 04-04-2025 Heard Mr. N.K. Agrawal, learned senior counsel for the petitioner, Mr. Choubey Jawahar, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Banka P.S. Case No. 213 of 2024, instituted for the offences punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of hatching a criminal conspiracy and, thereafter, committing murder of the informant's son as also burning the dead body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case due to dirty village politics. Charge-sheet has been submitted in this case. The petitioner is not named in the F.I.R. and his name has sprung in this case on the basis of the confessional statement of the co-accused Ruby Devi and the same has got no evidentiary value. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is no eye-witness to the alleged occurrence. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State as well as the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the name of the petitioner has come on the basis of confessional statement of co-accused Ruby Devi. The petitioner has also confessed his crime in Para-43 of the case diary. In Para-81 of the case diary, there is C.D.R. which also discloses that the petitioner had a conversation with the co-accused Ruby Devi as well as Sunit Kumar and the mobile tower location of both the persons was near the place of occurrence. The offence alleged against the



petitioner is serious in nature and, hence, he does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

Rajorshi/-

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