IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50996 of 2026

CNR No. BRHC010685312026

Arising Out of PS. Case No.-311 Year-2023 Thana- RUPASPUR District- Patna

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Durgesh Kumar Mishra @ Golu Pandit @ Durgesh Kumar S/o Gajadhar Mishra @ Jagdish Mishra Resident of Village / Mohalla - Chakaram, PS- Buddha Colony, District- Patna

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 27-10-2026 Heard learned counsel for the petitioner, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Rupaspur P.S. Case No. 311 of 2023, instituted for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code, read with Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. The prosecution case, in short, is that the co-accused persons are alleged to have committed murder of the informant’s son due to previous enmity.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the

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present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement of co-accused persons and the same has got no evidentiary value. It is next submitted that the petitioner has not committed any such offence as alleged against him. The allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 16.12.2025 and has got five criminal antecedents. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 21.06.2024 passed in Cr. Misc. No. 14583 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that although the petitioner is not named in the FIR, co-accused persons have confessed the name of the petitioner and have also levelled specific allegation against him of committing murder of the informant’s son. It is next submitted that the petitioner has also confessed his guilt. It is further submitted that charge has not been framed against the petitioner, but cognizance has

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already been taken against the petitioner and the case was committed to the Court of Sessions.

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. However, if the trial is not concluded, the petitioner will have liberty to renew his prayer for bail in the learned Court below after framing of charge.

(Rudra Prakash Mishra, J)

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