

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56061 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

Shivam Vishwakarma Son of Lalji Vishwakarma @ Laljee Vishvakarma R/o -
khartabpur, P.S.- Sarpataha, Dist- jaunpur, Uttar Pradesh. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Md Fazle Karim, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 04-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in
connection with Mohammadpur P.S. Case No. 33 of 2024
registered for the offences punishable under Sections 302, 201
and 34 of the Indian Penal Code.

3. As per FIR, a female dead body was found from a
wheat field by the informant who is a local chaukidar.

4. Mr. N.K. Agrawal, learned senior counsel, while
arguing for the petitioner submitted that the informant being local
chaukidar is not the *eye-witness* of the occurrence and, therefore,
the allegation completely raised upon circumstantial evidence. It is
submitted that in course of investigation one Gulshan Yadav was
arrested, who in his confession stated that this petitioner supplied



a country made pistol and live cartridge to him while he was in vehicle alongwith Pawan Kumar deceased and Ramesh Yadav and he subsequently with same country made pistol committed murder. It is submitted that even confession be taken into consideration, the maximum allegation against petitioner is of supplying illegal arms to the main accused Gulshan Yadav. It is pointed out by Mr. Agrawal that admittedly the petitioner was not in vehicle, where crime in question took place.

5. Arguing further, Mr. Agrawal submitted that after trial, apprehended co-accused persons, namely Pawan Kumar, Gulshan Yadav and Ramesh Yadav were acquitted by learned trial court in want of evidence. It is submitted that this petitioner is a student of B. Pharma and sending him jail shall not serve any purpose of justice and, moreover, investigation of this case on all material aspects has already concluded *qua* other accused persons, namely, Pawan Kumar, Gulshan Yadav and Ramesh Yadav.

6. Learned APP while opposing the prayer of bail submitted that as per confession this petitioner supplied country made pistol and live cartridge to co-accused Gulshan Yadav, who confessed to commit murder.

7. In view of aforesaid factual submissions and by taking note of fact as maximum allegation which appears against



petitioner to supply one country made pistol, where admittedly this petitioner was not present in the vehicle, where occurrence took place in terms of ever confession coupled with the fact that petitioner is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIV, Gopalganj/concerned Court, where the case is pending in connection with Mohammadpur P.S. Case No. 33 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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