

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55733 of 2025

Arising Out of PS. Case No.-497 Year-2023 Thana- KOTWALI District- Munger

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Dipesh Kumar S/o Late Ramchandra Yadav @ Late Ramchandra Prasad @
Late Ramchandra Prasad Yadav R/o Mohalla - Kemkha, P.S - Kotwali,
District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Rajiv Kumar Verma, Sr. Advocate

Sri Karuna Nath Sahay, Advocate

For the Opposite Party/s : Sri Nand Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-02-2026 1. Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Section 302/34 of the Indian Penal
Code as well as Section 27 of the Arms Act and subsequently
Section 120(B) of the Indian Penal Code as well as Sections
25(1-b)a, 26(i)(ii) and 35 of the Arms Act were added.

3. Learned Senior Counsel appearing on behalf of the
petitioner submits that petitioner has antecedent of five cases
and is in custody since 04.06.2025. It is further submitted that
FIR was against unknown and the petitioner came to be
implicated based on the confessional statement of co-accused in
police custody which does not have any evidentiary value in the
eye of law. It is next submitted that Rahul Kumar, in whose



confession, the name of the petitioner transpired, has been granted the privilege of regular bail by a learned Coordinate Bench of this Court by an order dated 20.02.2024 in Cr. Misc. No. 9604 of 2024. It is, thus submitted that if a person, on whose confession, the name of the petitioner transpired, has been granted the privilege of regular bail, no useful purpose would be served by keeping the petitioner in jail.

4. At this stage, learned A.P.P. for the State submits that petitioner had earlier moved before this Court seeking anticipatory bail by filing Cr. Misc. No. 13174 of 2024 and the same came to be allowed by an order dated 18.03.2024 with a condition that petitioner will cooperate in the investigation and if charge-sheet is submitted connecting the petitioner with the offence in that event the anticipatory bail order shall lose its effect. Learned A.P.P. further submits that charge-sheet came to be submitted, as such, the petitioner instead of surrendering again moved before this Court by filing Cr. Misc. No. 66324 of 2024 seeking anticipatory bail which came to be rejected by an order dated 04.04.2025. It is next submitted that from perusal of the order dated 04.04.2025, it would manifest that in the said case, the Superintendent of Police, Munger was summoned and the Superintendent of Police, Munger before the Court



submitted based on investigation that name of the petitioner transpired in the confessional statement of apprehended accused but then during the course of investigation a CCTV footage of the occurrence also transpired and from perusal of the same, it manifested that it was petitioner, who had committed the occurrence of killing the deceased, as such, the petitioner came to be implicated based on the CCTV footage of the occurrence. Learned A.P.P. also submits that accordingly the second anticipatory bail application filed by the petitioner came to be rejected by an order dated 04.04.2025. It is further submitted that in the said case, the Superintendent of Police, Munger had assured the Court that SHO-cum-Investigating Officer of the case, who was helping the petitioner, has been suspended and a departmental proceeding against him would be initiated. Learned A.P.P., thus, submits that when name of the petitioner transpired during the course of investigation based on the CCTV footage where petitioner is seen committing the occurrence and also taking into consideration the fact that petitioner has antecedent of five serious cases, it is not a fit case for grant of regular bail.

5. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to release the



petitioner on bail in connection with Kotwali (Basudeopur) P.S.
Case No. 497 of 2023 pending in the Court of learned Chief
Judicial Magistrate, Munger/Successor Court.

6. Hence, the prayer for regular bail is rejected.

7. At this stage, learned Senior Counsel appearing on
behalf of the petitioner submits that Rahul Kumar apart from
confessing the name of the petitioner also confessed the name of
Ashish Kumar in the occurrence who has antecedent of seven
cases as has come at para 77 of the case diary but then he has
been granted the privilege of regular bail by a learned
Coordinate Bench of this Court. It is further submitted that as
far as the petitioner is concerned, he has only five antecedents
on which learned A.P.P. submits that it is a submission worth not
noticing even rather is to be rejected at the outset for the reason
that during the course of investigation, it has not transpired that
it was Ashish Kumar who committed the occurrence of killing
of the deceased when name of the petitioner during the course
of investigation apart from confession also transpired based on
the CCTV footage.

(Satyavrat Verma, J)

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