

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73133 of 2025

Arising Out of PS. Case No.-99 Year-2024 Thana- PANDARAK District- Patna

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Diaspi Kumar @ DSP @ DSP Kumar S/O Tula Singh R/O Hajipur Dumri,
P.S- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. A prayer for bail has been made on behalf of the petitioner in connection with S.Tr. No. 99 of 2024 arising out of Pandarakh P.S. Case no.99 of 2024 registered under sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation in the F.I.R is that the petitioner in association of other co-accused is said to have killed the wife of the informant.

4. Learned counsel for the petitioner submits that F.I.R has been lodged against unknown. During the course of investigation, four witnesses were examined under



Section 161 Cr.P.C, who made no disclosure about assailants. Subsequently, as reflected in paragraph no. 16 of the case diary, on the basis of information allegedly received from a spy, it transpired that the husband of co-accused Rekha Devi had some illicit relations with the deceased which was creating some discord between the deceased and Rekha Devi. It is further submitted that the implication of the present petitioner has arisen solely on the basis of the alleged confessional statement of co-accused Rahul Kumar, wherein it has been stated that co-accused Rekha Devi had hired the services of the present petitioner to eliminate the deceased. It is contended that the entire case against the petitioner rests upon the confessional statement of a co-accused with no cogent or supportive material collected during the course of investigation to substantiate the said allegation. It is further submitted that both the co-accused Rekha Devi and Rahul Kumar have already been granted the privilege of regular bail by the bench of this Court vide orders dated 05.02.2025 and 28.02.2025 passed in Cr. Misc. Nos. 83781 of 2024 and 78239 of 2024. The petitioner is in custody since



20.01.2025 and undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State on the ground that there are material against the petitioner showing his involvement.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that the only material collected during course of investigation is the confessional statement made before police which has no evidentiary value and petitioner is in custody since 20.01.2025 coupled with the fact that two other co-accused persons have already been granted bail by aforesaid orders dated 05.02.2025 and 28.02.2025 and only one witness has been examined till date on behalf of the prosecution and there is no likelihood to conclude the same in the near future, the petitioner is directed to be enlarged on bail in connection with S.Tr. No. 99 of 2024 arising out of Pandarakh P.S. Case no.99 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court, subject to the condition that the petitioners shall remain properly represented in the learned trial Court on each date and shall cooperate in the trial. In case the petitioner is absent on the



two consecutive dates without sufficient reasons, the learned trial Court would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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