

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3115 of 2025**

Arising Out of PS. Case No.-183 Year-2022 Thana- NAVINAGAR District- Aurangabad

Bimlesh Kumar @ Vimlesh Singh @ Karu Singh @ Karu S/o Naresh Singh  
R/o Sakardas Nawada, PS- Wajeerganj, District- Gaya

... .. Petitioner

Versus

1. The State of Bihar
2. Tarun Kumar Pandey S/o Late Anil Kumar Pandey R/o RZ79A, First Floor,  
Mohan Nagar, Pankha Road, P.S. Sagarpur, New Delhi

... .. Opposite Parties

**Appearance :**

For the Petitioner : Mr. Sanjay Kumar Singh, Advocate  
For the Opposite Party-State: Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR**  
**CAV ORDER**

3      24-03-2026                      Heard learned counsel for the parties.

2. This application under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner putting to challenge the order dated 25.07.2024 passed by the learned Additional Sessions Judge-III, Aurangabad, in Sessions Trial Case No.483 of 2023, arising out of Nabinagar P.S. Case No. 183 of 2022, whereby the petition under Section 227 of the Cr.P.C. filed by the petitioner for discharge from the offences under Section 364, 302, 201,120B/34 of the Indian Penal Code has been rejected.

3. The prosecution story, in brief, is that on 23.05.2022, the father of the informant had come to Nabinagar to sell his newly constructed house situated near Nabinagar



High School. The informant lives in Delhi with his family and he had talked to his father till 24.05.2022 on mobile that his father was to enter into a deal for selling the house with someone, however, after 24.05.2022, when he could not contact his father since his mobile phone was switched off, he tried to locate his father from his sources, but could not find his trace. Apprehending about something untoward, he came to Nabinagar and on reaching there he came to know that one Abhimanyu Singh, whose under-construction house is adjacent to the house of the informant, met the father of the informant on 23.05.2022 and, according to Abhimanyu Singh, the father of the informant had borrowed some money from him during construction of the house, which has not been returned and, therefore, Abhimanyu Singh has put his lock in the house of the informant and said that until the money is returned, he will not leave that house. The informant has alleged that he was not aware of any such transaction and apprehended that because of the same, Abhimanyu Singh might have harmed his father.

4. Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and thereafter upon completion of investigation, charge-sheet came to be filed against him and upon such submission of charge-sheet,



cognizance also came to be taken against the petitioner. Learned counsel further submitted that there is no eye-witness to the occurrence, the case is based on circumstantial evidence and that the chain of circumstances is not complete so as to prove the hypothesis of guilt against this petitioner. Moreover, the name of the petitioner surfaced during the course of investigation upon the confessional statement of co-accused Abhimanyu Singh before the police while in police custody and except the said confessional statement of the co-accused there is no other material against the petitioner. Learned counsel also relied upon the judgment of the Hon'ble Supreme Court in the case of ***Karan Talwar vs. The State of Tamil Nadu***, passed in SLP (Crl.) No.10736 of 2022, wherein the only material being confessional statement of co-accused before the police does not form sufficient ground for proceeding against the petitioner.

5. On the other hand, learned Additional Public Prosecutor for the State has submitted that the impugned order, refusing to discharge, is based on well reasoned facts as collected during investigation and as on law also and does not warrant interference. Further, referring to the impugned order, he has submitted that in course of investigation in paragraphs No.5, 23, 27, 55, 61, 70, 71, 76, 87, 100,101, 151 and 156 it



transpired that all the charge-sheeted accused persons along with the petitioner were active participants in alleged crime and as per the confessional statement of co-accused Abhimanyu Singh, the dead bodies of two deceased persons, Anil Kumar Pandey and Moni Saxena were recovered from the respective places by the concerned police on 25.05.2022 for which Madanpur P.S. Case No. 185 of 2022 has also been registered. It has been submitted that the arms used in the crime has also been recovered from one accused Pawan Kumar Pandey for which Aurangabad P.S. Case No.10/2022 dated 09.07.2022 has been registered. It has been submitted that there are sufficient material to frame charge against the petitioner and prayed to reject the present application. The case being of the offences under Section 364 in which subsequently Section 302 IPC was added after recovery of the dead bodies. The case being with respect to murder of two deceased persons and in the confession of co-accused Abhimanyu Singh, the name of the petitioner has surfaced and after a thorough investigation, charge-sheet was submitted against the petitioner finding the case to be true against him.

6. This Court has considered the submissions of the parties and perused the record and found that this is a case of



double murder and the confessing co-accused, upon whose confession the two dead bodies were recovered, has named the petitioner and to this Court it appears that the grounds put forth by the petitioner in this application can be considered during the trial only where any distinction between the case of the petitioner and other co-accused can be adjudicated based on the evidences, which will be led during a full fledged trial. As far as the judgment relied upon by the petitioner is concerned, the same would not be of any help to him since it is with respect to a case for offences under NDPS Act and the facts of that case is different from the present one.

7. This application is devoid of any merit and is accordingly dismissed.

**(Praveen Kumar, J)**

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