

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31681 of 2019

Arising Out of PS. Case No.-260 Year-2018 Thana- MOKAMAH District- Patna

VIKASH KUMAR @ VIKASH @ AMAR VIKASH Son of Late Shankar Singh Resident of Village - Shankarwar, Tola Mokama, P.S.- Mokama, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Prakash Sahay

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-05-2019 Heard both sides.

The petitioner apprehends his arrest in Mokama P.S. case No. 260 of 2018 registered under Section 324, 307,34 of the IPC and u/s 27 of Arms Act.

The informant alleged that while he was going to Mokama market to purchase vegetables he saw many persons on two motor cycles were chasing him. A firing was made and the informant felt that he got fire arm injury in his back. When the informant turned his motor cycle towards his home, Chandan Kumar made another firing in his abdomen. The informant saw that Gautam Kuamr was driving one motor cycle and Chandan Kumar was pillion rider and on another motor cycle three persons were riding and Vikash Kumar, brother of



Gautam Kumar, was driving the motor cycle.

The learned counsel for the petitioner submits that there is no allegation of firing against the petitioner. The fard bayan was given on 12.11.2018 after 24 hours of the occurrence. The FIR reached the court on 15.11.2018. This fact itself shows falsity of allegation made against the petitioner. The petitioner met with an accident in Purnea and got fracture injury in his shoulder on 29.10.2018 and the petitioner cannot drive the motor cycle on 11.11.2018. The brother of petitioner had given a petition to the I.G. for proper investigation of the case and thus, the petitioner deserves anticipatory bail but it appears that the informant made very specific allegation that five persons were riding on two motor cycles and brother of petitioner was driving one motor cycle on which Chandan Kumar was pillion rider and Chandan Kumar made firing causing injury in the abdomen of informant. The petitioner was driving another motor cycle. It appears from perusal of the order of learned Additional Sessions Judge that many witnesses have reiterated the facts disclosed by the informant.

Taking into consideration the facts that petitioner and other accused persons, having conspired with each other, was following the informant to kill him and in pursuance of



aforesaid conspiracy Chandan Kuamr opened fire causing injury in the abdomen of informant, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on merits without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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