

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17847 of 2020**

Arising Out of PS. Case No.-162 Year-2019 Thana- PIPRAKOTHI District- East Champaran

PUSHKAR SINGH Son of Bipin Bihari Singh @ Vipin Bihari Singh,
Resident of Village - Kuriya, P.S.- Piprakothi, District- East Champaran
... .. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Amarendra Nath Verma, Advocate
For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 08-09-2020 Heard learned counsel for petitioner and Ms. Dr. Indihar Kumari, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Piprakothi P.S. Case No. 162 of 2019 registered for the offences punishable under Sections 302, 379, 120B/34 and 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the present case the FIR was lodged against unknown but later on in course of investigation the name of this petitioner transpired in the confessional statement of co-accused and thereafter, the petitioner was also made to make a confessional statement.

It is his submission that the confessional statement has no evidenciary value and there being no other substantive evidence, the petitioner deserves privilege of regular bail as also the petitioner have remained in custody for about one year



and three months approximately.

As regards the criminal antecedent, learned counsel for the petitioner submits that though the petitioner has got five cases on his head apart from the present case, in all such cases he is on bail.

Learned counsel submits that the co-accused Vivek Singh about whom there was a confessional statement, whose name has also come in the confessional statement saying that he had opened the fire on the deceased killing him has been granted bail by a learned co-ordinate Bench of this court in Cr. Misc. No. 3386 of 2020 vide order dated 27.05.2020.

On the query made from learned counsel for the petitioner as to whether co-accused Vivek Singh has also got criminal antecedent, learned counsel has repeated that yes he has also got huge criminal antecedent.

On the other hand, Ms. Dr. Indihar Kumari, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that in course of investigation substantive materials have been collected by the I. O. The petitioner who has got huge criminal antecedent and is involved in repeated offences using firearms as is evident from his criminal antecedent has been found involved in the alleged



occurrence.

So far as the bail granted to co-accused Vivek Singh is concerned, learned APP has drawn the attention of this Court towards order dated 27.05.2020 passed by the learned co-ordinate Bench of this Court in Cr. Misc. No. 3386 of 2020 and has submitted that as it appears from the said order the attention of the learned co-ordinate Bench of this Court was not drawn towards the huge criminal antecedent of the co-accused Vivek Singh. It is submitted that when the Court was not apprised of the criminal antecedent by the State, the same has not been considered and therefore, the consideration being different in each and every case, the grant of bail to co-accused may not be a relevant consideration for the present.

Having regard to the facts and circumstances of the case and on going through the materials on record, this Court noticed that there are substantial materials against the petitioner and this petitioner has got huge criminal antecedent against him as stated in paragraph '3' of the present application.

Learned counsel for the petitioner agrees that in the case of co-accused Vivek Singh even though he has criminal antecedent the same was not pointed out to the learned co-ordinate Bench of this court. This being the position, this Court



is not inclined to grant regular bail to the petitioner in this case.

His prayer for regular bail is refused.

Let the trial be expedited.

Before this Court parts with this order, it is directed that a copy of this order be sent to the Superintendent of Police, East Champaran, Motihari to look into the matter and in case he is satisfied that the criminal antecedent of the co-accused was not pointed out to the learned co-ordinate Bench of this Court, he may take an independent view of the matter to take such steps as may be available to him in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

