

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27684 of 2020**

Arising Out of PS. Case No.-184 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Vikky Singh Son of Binod Singh Resident of Mohalla- Vikramshila Colony,
P.S.- Tilkamanjhi, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Syed Masleh Uddin Ashraf, Adv.
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP
for the Informant	:	Mr. Diwakar Upadhyaya, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 01-12-2020 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the informant through

video conferencing.

The instant application for regular bail has been
filed by the petitioner in connection with Kotwali P.S. Case
No.184 of 2020 registered under section 302 of the Indian Penal
Code.

As per allegation in the FIR, it is stated by the
informant that her son Shubham Saket accompanied his friend
Gulshan Poddar for playing Holi. It is stated that she received a
telephonic call from one Kumar Raghubir that her son had been
stabbed with *Chaku*. It is further stated that on reaching the
hospital she was informed by Kumar Raghubir that it was the



petitioner herein who had stabbed her son and who died on way to the hospital. It is further stated that there was pending dispute between her deceased son and the petitioner herein.

It is submitted by learned counsel for the petitioner that from the F.I.R. itself it would be evident that admittedly the informant is not an eye witness to the alleged occurrence. The petitioner has been falsely implicated in the case due to oblique reasons. It is further submitted that the narration in the F.I.R. is highly improbable for the reason that it cannot be comprehended that any person would stab the son of the informant and at the same time leave the other person accompanying him to be an eye witness. The petitioner is in custody since 17.3.2020 and has no criminal antecedent. It is submitted that the postmortem report also does not support the allegation as made in the F.I.R.

The application for bail is opposed by learned APP for the State as also learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having stabbed the son of the informant resulting in his death. It is submitted that the postmortem report fully supports the allegation made in the F.I.R. and as per prosecution



case the petitioner is the sole assailant.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the parties together with the allegation made in the F.I.R., the postmortem report and the contents of the case diary, the Court is not inclined to enlarge the petitioner on bail and as such this application is rejected.

(Partha Sarthy, J)

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