

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23178 of 2020

Arising Out of PS. Case No.-77 Year-2019 Thana- BEERPUR District- Begusarai

Bikram Kumar @ Vikram Kumar Son Of Anil Mahto @ Piyush Resident Of
Village-Beerpur, P.S.-Beerpur, District-Begusarai ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Mritunjay Kumar Mishra, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-11-2020 Heard learned counsel for the petitioner as well as
learned counsel for the State through video conferencing.

The petitioner seeks bail in Beerpur Police Station
Case No. 77 of 2019 registered for the offences punishable
under sections 364, 302, 201, 387, 120B and 34 of the Indian
Penal Code.

The informant alleges that four persons including the
petitioner came to his shop on motorcycle and kidnapped his
father on the point of pistol. Accused persons later on killed him
due to non-fulfilment of demand of ransom of Rs.10 lacs and
threw the dead body near Tadi pull.

Learned counsel for the petitioner submits that the
informant is not an eye witness to the occurrence and the FIR
has been lodged by him on the basis of information collected by
him from his staff. Save and except general and omnibus
allegation as well as confessional statement of co-accused



Gautam Kumar recorded in paragraph 17 of the case diary, no incriminating material has been recovered from the conscious possession of the petitioner. Said similarly situated co-accused Gautam Kumar has already been allowed bail by a co-ordinate bench of this Court vide order dated 27.5.2020, passed in Cr.Mis.No. 83888/2019. Petitioner is in custody since 9.7.2019.

Learned counsel for the State opposes the prayer for bail and submits that there is specific allegation that the petitioner along with other accused persons committed murder of the informant's father by fire arms when he did not fulfil their ransom demand. In course of the investigation, it has further come that on the indication of petitioner dead body of the victim, motorcycle used in crime and other things were recovered by the police. On the statement of the petitioner, other accused persons were also arrested and a country made pistol and cartridge of .315 bore and blood stained shirt of the petitioner were recovered.

Controverting the facts, learned counsel for the petitioner submits that the recovery of dead body has not been made on the basis of statement of the petitioner which is also evident from the statement of the Investigating Officer.

In view of the facts and circumstances of the case as



well as the gravity of the offence, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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