

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62937 of 2019

Arising Out of PS. Case No.-160 Year-2019 Thana- GOPALPUR District- Patna

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VISHAL KUMAR @ VISHAL KUMAR YADAV S/o Vijay Ray R/o village-
Sirpatpur, Bairia, P.S.- Gopalpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar
For the Opposite Party/s : Mr.Ram Priya Sharan Singh
Mrs. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Smt. Anita Kumari Singh, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Gopalpur P.S. Case No. 160 of 2019, for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that the nephew of the informant namely Ankit Kumar had gone out from his house in the morning at 10 A.M. on 12.06.2019, however, he did not return back till night. On the next morning at about 10 A.M., the informant received information that the



dead body of the said Ankit Kumar was lying behind the Style market, near the boundary, whereupon the informant along with others and police had gone to the place of occurrence. It is further alleged that unknown miscreants had killed the nephew of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent and is having a clean antecedent. It is further submitted that the petitioner has been falsely implicated in the present case upon confessional statement made by one Sanni Kumar, which has got no evidentiary value in the eyes of law. It is also submitted that there is no material on record to suggest the complicity of the petitioner in the alleged crime.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner and taking into account the fact that *prima facie* there is not much material in the case diary to suggest the complicity of the petitioner except the confessional statement of the co-accused namely Sanni Kumar, I deem it fit and proper to admit the petitioner to the privilege of anticipatory



bail, however, with some conditions being stipulated herein below which are being imposed with the consent of the learned counsel for the petitioner.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-9th, Patna in connection with Gopalpur P.S. Case No. 160 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer-in-charge of the concerned police station on Monday of every alternate week of the month at 10 A.M. and in the event of his failure to do so on two consecutive occasions, the present privilege of anticipatory bail being granted to the petitioner shall stand revoked automatically.

(Mohit Kumar Shah, J)

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