

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23722 of 2021

Arising Out of PS. Case No.-238 Year-2019 Thana- GURUA District- Gaya

VIKASH KUMAR @ VIKASH CHOUDHARY SON OF NAGINA
CHOUDHARY R/O VILLAGE- BHAWANI STHAN, P.S.- AMAS,
DISTRICT- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

: Mr. Bishwa Bijay Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Gurua P.S.
Case No. 238 of 2019 pending in the Court of learned SDJM,
Sherghati, Gaya registered for the offence under Sections 302
and 201/34 of the IPC.

According to prosecution case, the informant's son
was working as compounder in the hospital of Dr. Kamta
Kumar Singh and Sunil Kumar and Manoj Kumar also worked
in the same hospital. On 20.10.2019, dead body of informant's
son was found. The informant suspected that her son was killed
by Dr. Kamta Kumar Singh, Sunil Kumar and Manoj Kumar.

Learned counsel for the petitioner submits that the
petitioner has committed no offence and he has falsely been
implicated in the present case. Petitioner is not named in the
FIR. Name of the petitioner came in the confessional statement



of co-accused Vikash Kumar @ Vikash Kumar Choudhary. Learned counsel further submits that co-accused Arun Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 04.10.2021 passed in Cr. Misc. No. 14366 of 2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail on the basis of the case diary. He further submits that sufficient material has come against the petitioner in para – 31 and 61 of the case diary. He further submits that the petitioner has two criminal antecedents. He further submits that petitioner obtained a Sim bearing number 9060979649 which was used in the present crime. He further submits that the case of the co-accused Arun Kumar is on different footing as per case diary. Allegation against Arun Kumar is that he was master mind of the present crime whereas overt-act has alleged against the petitioner due to which deceased died.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to grant bail to the petitioner and accordingly, the same stands rejected.

brajesh kumar/-

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(Rajesh Kumar Verma, J)

