

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35455 of 2020

Arising Out of PS. Case No.-306 Year-2020 Thana- DANAPUR District- Patna

VIKASH KUMAR UPADHYAY Son of Raj Kishore Upadhyay @ Raj Kishor
Upadhyay R/o Anand Bazar, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 02-02-2021 Heard Mr. Ghanshyam Tiwary, learned counsel for the
petitioner and Mr. Ram Bilash Roy Raman, Additional Public
Prosecutor for the State.

2. Petitioner seeks regular bail in connection with
Danapur PS Case No. 306/2020 registered for the offence punishable
under Sections 302 of the IPC and Section 27 of the Arms Act.

3. The allegation, as per First Informant Report, is that
one Ravi Kumar @ Katori fired upon the brother of the informant
near his head, due to which, he died.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the FIR and he has got no criminal
antecedents. Learned counsel further submits that from perusal of the
FIR, it would be evident that the specific allegation of firing is upon
the co-accused, Ravi Kumar @ Katori and the name of the petitioner
has transpired on the basis of the confessional statement made by the
said co-accused, that it was the petitioner who gave arms to the co-



accused, Ravi Kumar @ Katori. Learned counsel next submits that apart from confessional statement of the co-accused, there is no material against the petitioner to connect him in the present case.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is not named in the FIR and his name has transpired on the basis of confessional statement of the main assailant, Ravi Kumar @ Katori, I am inclined to granted regular bail to the petitioner.

6. Accordingly, let the petitioner, VIKASH KUMAR UPADHYAY be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Danapur, Patna in connection with Danapur PS Case No. 306/2020.

7. Needless to say that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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