

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7678 of 2021

Arising Out of PS. Case No.-215 Year-2019 Thana- BAKHTIYARPUR District- Patna

VIVEK KUMAR @ JUGNU KUMAR Son of DHARMVIR RAM Resident
of Village - Naya Tola, Hakikatpur, P.S. - Bakhtiyarpur. Dist. - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Kumar
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Bakhtiyarpur
P.S. Case No.215 of 2019, registered for the offence punishable
under Sections 302, 201, 34 of the Indian Penal Code.

The prosecution case in short as alleged by the informant
is that the driver namely Ravindra Yadav proceeded from Pothi
on 05.07.2019, the informant tried to call on the mobile number
of Fulendra Kumar Singh but he did not succeeded to call him,
thereafter he called to driver, Ravindra Yadav on mobile then he
replied to him that he left Fulendra Singh at residence. He again
called on the mobile number of Jitendra Kumar then he gave
information that one unknown body was seized at Bakhtiyarpur
P.S. seeing the photo through mobile, he came at Bakhtiyarpur



and given his fardbeyn that he believe that the murder has been committed by pressing the neck and dead body has been thrown in the back of Satyam Hotel (Khadda) with intention to conceal the evidence.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner is not named in the F.I.R. and has been made accused in this case on the basis of suspicion. There is no material to connect the petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Similarly situated co-accused namely Raushan Kumar has been granted bail vide Cr. Misc. No.29387 of 2020 dated 11.12.2020 by a co-ordinate Bench of this Court. The petitioner has no criminal antecedent and has been languishing in custody since 25.01.2020.

Learned APP for the State opposed the prayer for bail.

I perused the materials on record including the impugned order and the case diary. It is mentioned in the impugned order that one locket of Hanuman ji of the deceased was snatched by the petitioner and thereafter, the said locket was seized from the house of the petitioner (vide para-136 of the case diary). The



seized locket of deceased was identified by the wife of deceased in T.I.P. vide para 195 of the case diary. Charge sheet has been submitted against the petitioner and other accused persons.

Considering, that the locket of the petitioner was recovered from the house of petitioner and the same was identified by the wife of deceased, I am not inclined to grant bail to the petitioner.

Accordingly, the instant bail application is hereby dismissed.

(Anjani Kumar Sharan, J)

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