

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11054 of 2021

Arising Out of PS. Case No.-542 Year-2020 Thana- NAUBATPUR District- Patna

Vikki Kumar aged about 21 years, (Male) son of Anil Kumar @ Anil Singh,
Resident of village- Korawan, Police Station- Naubatpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner	:	Mr. Patanjali Rishi Advocate
For the State	:	Mr. Sheo Kumar Prasad APP
For the informant	:	Mr. Rahul Kumar Singh Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner, informant and learned counsel for the State.

The petitioner seeks bail in Naubatpur PS Case No. 542 of 2020, instituted for the offence under Section 302/34 of the Indian Penal Code and section 27 of the Arms Act.

The instant petitioner is alleged to have called the son of the informant by phone on the pretext of seeing a piece of land. It is alleged that another person, the petitioner's namesake was waiting at the place where he has been shot dead.



The learned counsel for the petitioner submits that the phone call made to the victim was a *bona fide* conversation having no concern with the killing. It is submitted that the *bona fides* are evident from the fact that he is arrested from his home after the alleged occurrence. He has no criminal antecedents and no motive has been assigned either in the F.I.R. or during the course of investigation. Call Detail reports did not show any conversation between the petitioner and his namesake to substantiate the complicity of the petitioner based on confessional statements of co-accused.

The learned counsel for the informant and learned APP representing the State have opposed the prayer for bail. It is submitted that the call details report shows the location of the petitioner in the locality. It is further submitted that materials have come in the investigation in support of the pre-existing enmity of the petitioner and the petitioner's namesake. The petitioner is in custody since 22.10.2020.

Considering the rival submissions, let the petitioner, above named, 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 the learned **ACJM III Danapur, Patna**, in connection with **Naubatpur PS Case No. 542 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail



bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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