

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9426 of 2022

Arising Out of PS. Case No.-1197 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

VIKASH KUMAR @ GUDDU RAI SON OF SURESH PATEL R/O
VILLAGE- KARANPUR, P.S.- BOCHAHA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his father was a Compounder at Sri Sai Diabetes Clinic and on 05.04.2019 at about 10:30 AM the informant received an information that his father was shot dead at the clinic, accordingly he reached the place of occurrence along with his family members and co-villagers and found his father in a hospital where he was under treatment. It is next alleged that during the course of treatment the father disclosed to the



informant that he has been shot by named accused persons in the FIR on account of land dispute, it is next alleged that local people informed the informant that two motorcycle worn criminals opened fired on his father causing injury, it is next alleged that Avinash Kumar (owner of the clinic) used to reside in the house of Anita Kumari, who had a land dispute with one Ghanshyam Patel and Baby Patel, further Avinash made endeavours to get the dispute reconciled but Ghanshyam and Baby threatened Avinash, it is next alleged that since deceased was also working in the said clinic hence it appears that he was killed.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that admittedly the deceased did not had any land dispute either with Avinash or with Anita Kumar rather the dispute was between Anita Kumari landlady of Avinash the owner of Sri Sai Diabetes Clinic and Ghanshyam Patel and Baby Patel as such deceased had absolutely no role to play in the said dispute, nor in the FIR, it is even remotely suggested that accused at any point of time actively or passively participated to bring reconciliation between the parties as such the accused persons did not had any motive to kill the deceased.



Learned APP for the State opposes the prayer for anticipatory bail to the petitioner and submits that during the course of investigation in the confessional statement of Ghanshyam Patel it transpired that this petitioner had brought carbine and had shown to Baby Patel her cousin, it is next submitted that though the petitioner was not seen at the place of occurrence but then during the course of investigation this fact has surfaced that he later concealed the carbine also, the learned APP for the State fairly submits that apart from confession there is nothing against the petitioner but then one person has died.

Considering the submission made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

(Satyavrat Verma, J)

Shivam/-

U		T	
---	--	---	--

