

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27118 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- GOPALPUR District- Patna

VIKAS KUMAR @ CHOCHO S/o Gorakh Roy R/o Village- Sirpatpur, P.S.-
Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vagisha Pragya Vacaknavi, Adv
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Gopalpur
P.S.Case No.97 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The prosecution case, in short, is that the informant
received an information that co-villagers, namely, Vikas Kumar
@ Chocho, Gorakh Roy and Juli Devi, elder daughter of Gorakh
Roy were assaulting his younger brother-Karu Kumar @ Kante,
whereupon the informant rushed to the parti place which is
south to the house of Gorakh Roy where Vikas Kumar @
Chocho, Gorakh Roy and Juli Devi were assaulting his brother
Karu Kumar @ Kante. The deceased wanted to flee from there



but Gorakh Roy and his daughter Juli had caught the deceased. In the meantime, Vikas Kumar @ Chocho went to his house and brought a pistol. He pelted three fire shots into the body of the deceased Karu Kumar @ Kante, as a result the deceased fell down and started wriggling. An unknown person with motorcycle was standing from before and Vikas Kumar @ Chocho fled away with him. It is further stated that the informant with the help of his family took his brother to Hospital for treatment. However, the victim died at Bairiya. The informant stated that the deceased received three fire shorts from accused Vikash Kumar, one at centre of chest, other at right shoulder and the third one in the bottom of the left shoulder. The deceased succumbed to the injuries of fire shot.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the allegation, which was made in the FIR, is the intentionally created by the informant. Learned counsel for the petitioner submits that the name of the petitioner has been diluted mentioned in the FIR.

Learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the



FIR he is the main assailant. He further submits that in the case diary paragraph-8 and 9 the witnesses supported the person of the FIR. Learned counsel for the informant further submits that during pendency of the present case, the petitioner has been made accused in Bahadurpur P.S.Case No.141 of 2020 which was instituted on 18.09.2020. He further submits that again Beur P.S.Case No.248 of 2020 was registered on 01.10.2020 under Section 188,414 of IPC and Section 52 of the Prisoner's Act against the petitioner. Even the petitioner has threatened one of the eye witnesses, namely, Madan Kumar on 11.04.2021 for which Mr. Madan Kumar has filed a complaint to the local authority.

Considering the aforesaid fact, I am not inclined to enlarge the petitioner on bail in connection with Gopalpur P.S.Case No.97 of 2020 pending in the court of learned Sub Judge-IX-cum-A.C.J.M., Patna.

Prayer is refused.

(Rajesh Kumar Verma, J)

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