

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30651 of 2021

Arising Out of PS. Case No.-247 Year-2018 Thana- BHAGWAN BAZAR District- Saran

VIKASH KUMAR SINGH @ TIGER Son of Krishna Singh Resident of
Village- Nayaka Barka Baju Tola, Police Station- Revilganj, District- Saran
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh Mr. Sanjay Kumar Mr. Binod Kumar
For the Opposite Party/s :		Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 07-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Bhagwan Bazar Police Station Case No. 247 of 2018, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report lodged by the brother of the deceased, is that on the fateful day, the petitioner and one co-accused arrived at the house of the deceased and pressurized him to fill/accepts the forms of B. A. Part-I of Rajendra College, Chapra of some persons, who were not present at Chapra and when the deceased refused to oblige the petitioner and other accused persons, they threatened the deceased of dire consequences and thereafter the deceased went to the college and the informant, at 11 AM, got



information, on the same date, that someone has stabbed his brother (deceased) and when the informant reached the place of occurrence, he learnt that the petitioner has stabbed the deceased near his chest with the help of two other accused persons.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that no evidence has been collected against the petitioner by the police in course of investigation and whatever material has been collected by the police is based on hear say evidence. He further submits that co-accused persons, namely, Anand Kumar Singh (by order, dated 20.12.2018, passed in Criminal Misc. No. 76571 of 2018) and Aditya Kumar Singh (by order, dated 02.07.2019, passed in Criminal Misc. No. 262 of 2019) have been granted bail by co-ordinate Benches of this Court. He further submits that the petitioner is in custody since 18.08.2020.

On the other hand, learned Additional Public Prosecutor submits that from perusal of the First Information Report, it would be evident that the informant has specifically stated in the First Information Report that in the morning, the petitioner along with one other, had arrived at the house of the



deceased and had pressurized the deceased to accept the forms of B. A. Part-I of those persons who were not present at Chapra and upon refusal, the deceased was killed in the broad day light near the counter of the college and upon enquiry, it has come to light that some witness has disclosed the name of the petitioner as the assailant and in the First Information Report also, the petitioner is the main assailant and he is having criminal antecedents also inasmuch as more than six criminal cases of serious nature are pending against him.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the nature of allegation and the statement of the informant in the First Information Report and the fact that the petitioner is the main assailant having criminal antecedents, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner will be at liberty to renew his prayer for bail after one year from today if the trial does not register any substantial progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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