

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36912 of 2022

Arising Out of PS. Case No.-807 Year-2019 Thana- DANAPUR District- Patna

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Vivek Kumar Son of Seth Rai, R/o- Botalkhana, Mohalla - Companybag
Bagicha Bairak Danapur, P.S.- Danapur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kr. Arya, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Session Trial No. 306 of 2021 arising out of Danapur P.S. Case
No. 807 of 2019 lodged under Sections 302 and 120(B)/34 of
Indian Penal Code read with Section 27 of Arms Act.

As per prosecution, the informant has disclosed that
he received information that somebody has killed his son in the
local field, upon hearing this event the informant reached
immediately there and saw that his son was badly injured, he
immediately brought his son to Paras Hospital where doctor has
declared him dead. It has been further submitted that at the place

of occurrence some persons were present who disclosed to the informant that three persons reached at the place of occurrence, one person has disclosed his name as Vivek Kumar and two were unknown and they fired in the abdomen of the informant's son due to which he died.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He also submits that upon reading the content of the F.I.R., it transpires that the F.I.R. has been lodged upon hearsay evidence and there is no cogent material available. Learned counsel further submits that petitioner is in custody since 05.06.2020 and only on the basis of suspicion petitioner's name has come in this case. He also submits that there are 12 antecedents of the petitioner due to which his name has come in this case on the instance of the police and charge-sheet has already been filed in this case.

Learned counsel for the State vehemently opposes the prayer for bail and submits that there is one eye-witness in this case, who has disclosed in Paragraph- 22 of the case diary that he has seen that Vivek Kumar and two other have fired in the abdomen of the deceased.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to

the petitioner, therefore, his bail petition is hereby rejected.

The Trial Court is directed to expedite the trial within
9 months from today.

(Dr. Anshuman, J.)

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