

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54574 of 2021

Arising Out of PS. Case No.-466 Year-2020 Thana- GARKHA District- Saran

VIVEK KUMAR S/o Ramji Ray R/o Village- Kothiya Pran Ray Ke Tola,
P.S.- Awatarnagar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. Sri Shailendra Kumar for the State through virtual court
proceedings.

The petitioner seeks bail in connection with Garkha
P.S. Case No. 466 of 2020 instituted for the offences under
Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 20.09.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant (Sonu Kumar) alleges that step-mother, step-sister
and step-maternal uncle (petitioner) of Vicky Kumar (deceased)
had come from Delhi, the informant reserved an auto for them
for sending them home, further the maternal uncle (petitioner)



of Vicky Kumar had called Lavkush and he went with him by motorcycle towards Mohammada where four persons were waiting from before. Further, it is alleged that thereafter all the accused hurled abuses and assaulted Vicky Kumar (deceased) and killed him by strangulating and informed the informant that victim died due to motorcycle accident.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case, there is no eye-witness to the occurrence and except for suspicion, there is nothing against the petitioner which can even remotely connect him with the case.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that it is true that there is no eye-witness to the occurrence but it is not that every offence requires an eye-witness, at times even the circumstances suggest and point towards complicity of an accused in an offence. Learned A.P.P. further submits that it is admitted that father of Vicky Kumar had died about 5 days back and accordingly his step-mother, step-sister and step-maternal uncle (petitioner) had come from Delhi, it is thus submitted that after the death of father of Vicky Kumar, the property of the father would have devolved on Vicky Kumar as well as his step-sister



but after the death of Vicky Kumar, the entire property of his father devolves on his step-sister only. The Learned APP thus submits that the beneficiary of the death of Vicky Kumar would be the own niece and sister of the petitioner. It is further submitted by the learned APP that in the FIR, it is alleged that the petitioner informed the informant that Vicky Kumar died on account of motorcycle accident but the post-mortem report clearly records that the death was due to strangulation. As such, it appears that the petitioner made an effort to confuse and delay the occurrence.

Considering the submissions of the learned A.P.P., the Court is not inclined to grant bail to the petitioner.

(Satyavrat Verma, J)

Gaurav Kumar/-

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