

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.455 of 2021

Arising Out of PS. Case No.-3 Year-2018 Thana- JURAWANPUR District- Vaishali

VIKASH KUMAR SINGH S/o Baleshwar Singh R/o village- Raghopur West,
P.S.- Jurabanpur, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-01-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in
Juranbanpur P.S. Case No. 3/2018 registered under Sections
302, 120B of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that while the
nephew of the informant was watching orchestra, the named co-



accused fired upon the deceased causing his death.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per prosecution case, one Munna Singh is said to have fired upon the deceased which led to his death. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in course of investigation. It has further been submitted that from perusal of the post-mortem report, it would appear that there is no fire arm injury on the body of the deceased though in the investigation, it is alleged that the petitioner had fired upon the deceased.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R. but in course of investigation, the independent witnesses in paragraphs 19 and 20 of the Case Diary have categorically stated that the petitioner fired upon the deceased which led to his death. The manner of assault has also been explained in detail by the said witnesses and considering the statement of the said witnesses, it would be evident that the petitioner is the assailant.

Considering the aforesaid, I am not inclined to grant



anticipatory bail to the petitioner in connection with Juranbanpur P.S. Case No. 3/2018. Prayer is rejected. However, if the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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