

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57825 of 2021

Arising Out of PS. Case No.-310 Year-2019 Thana- BIDUPUR District- Vaishali

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Vivek Kumar @ Vivek Singh S/O Dharamnath Singh R/O Village And P.O-
Madhurapur, P.S-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-02-2022 Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in Bidupur P.S.Case No. 310 of 2019
registered for the offences punishable under Sections 302, 34/120B of the
Indian Penal Code.

It is a case of double murder. As per F.I.R informant heard the
sound of firing upon which he and his brother Rahul Kumar ran towards
Durga Mandir where they saw both the brothers drenched in blood and
having seen the informant accused petitioner and other co-accused fled
away by motorcycle and other accused persons on foot. As a result
Informant's brother Raju Raushan was dead on the spot and in course of
treatment Chanchal Singh also died.

It is submitted by the learned counsel for the petitioner that informant
has not disclosed the source of identification. It is further submitted that
occurrence took place due to land dispute. There is no eye witness to the
occurrence. After investigation police has already submitted charge sheet



under section 302,120B/34 of the I.P.C. Similarly situated co-accused Harendra Rai and Sattan Singh @ Shatrudhan Singh have already been granted bail by co-ordinate Bench of this Court.

Learned APP for the State opposed the prayer for bail of the petitioner is named in the F.I.R and was seen by the informant fleeing away from the place of occurrence. Case of petitioner is distinguishable on facts from these two co-accused as they were simply seen moving on foot at the place of occurrence whereas this petitioner was seen fleeing away on motorcycle with whom informant had land dispute.

Considering the aforesaid facts and circumstance as well as submission of the parties, I am not inclined to enlarge the petitioner on bail and accordingly, his prayer for bail in connection with Bidupur P.S.Case No. 310 of 2019, pending in the court of learned Chief Judicial Magistrate, Vaishali at Hajipur stands rejected.

(Prabhat Kumar Singh, J)

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