

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56539 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- BAKHTIYARPUR District- Patna

Vikash Kumar, aged about 21 years, Male, Son of Vinod Singh, Resident of Village- Mustafapur, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate with Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-12-2022

The matter has been heard through video conferencing.

2. Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner who is in custody seeks bail in connection with Sessions Trial No. 710 of 2022 arising out of Bakhtiyarpur PS Case No.156 of 2021 dated 18.08.2021 instituted under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.



4. The allegation against the petitioner who is not named in the FIR is of killing the husband of the informant who later on has also been made an accused.

5. Learned counsel for the petitioner submitted that another Vikash Kumar @ Chiku has been named accused along with one more person and the name of the petitioner was not there in the FIR. It was submitted that the police later, at the behest of the accused, has implicated the informant and the petitioner has been roped on the basis of forged confessional statement taken from the informant. It was submitted that the petitioner having one criminal antecedent was remanded in the present case on 10.02.2022.

6. Learned APP submitted that the informant has confessed that it was the petitioner who has shot dead her husband in conspiracy with her and the rifle used for that has been recovered on the basis of such confessional statement of the informant. Moreover, it was submitted that the informant was having an affair with her relative. Learned APP submitted that the door is said to have been closed from inside and, thus, there could not have been any occasion for any other person to come inside which clearly shows that the version in the FIR given by the informant was totally misleading and incorrect.



7. Having considered the submissions of learned counsel for the parties and taking into account the fact that the story in the FIR is improbable as the door being locked from inside, no other person could have come inside and further the recovery of the murder weapon on the basis of statement of the informant and she implicating the petitioner as the person who had shot dead her husband and the informant having admitted to be in love with another family member and the petitioner is said to have helped them in committing the crime, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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