

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5163 of 2022

Arising Out of PS. Case No.-411 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

VIVEK KUMAR @ VIVEK RAJ Son of Sanjeev Kumar Singh @ Sanjeev Singh Resident of Village - Badalpura, Police Station - Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.P.K. Shahi, Sr. Advocate
For the Opposite Party/s	:	Mr.Ramchandra Singh, APP
For the informant	:	Mr. S.K. Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 03-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Begusarai PS case no. 411 of 2021 instituted for the offences punishable under Sections 341, 307, 302, 504, 506, 120B/34 of the Indian Penal Code and Section 27 of Arms Act.

The case of the prosecution in brief, according to the informant, is that he had passed Matriculation examination from Saint Paul School in the year 2018 and was having love affair with a girl namely Aishwarya. Subsequently, the said girl had broken her affair with the informant and had then developed intimacy with the petitioner but subsequently she again started talking with the informant, leading to the petitioner calling her



on her mobile and harassing her, hence on 02.07.2021, the informant, who was at his home alongwith his friends, had called the petitioner on his mobile phone and told him to come to his home but he refused to come, hence the informant asked him as to why he was harassing his girl friend Aishwarya by making calls, whereafter quarrel had taken place. Subsequently, the petitioner called the informant on his mobile phone and told him to come at Masuri School, where the petitioner and his friends were already present from before. The informant had then gone to the said place of occurrence and altercation had taken place in between them, whereafter the accused persons had fired on the informant and his friends. As far as the petitioner is concerned, he is stated to have fired gun shots at Ankit on his chest, resulting in his death.

The learned Senior counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having clean antecedent and is languishing in custody since 07.07.2021. It is further submitted that the present case is not a case in which the murder has been committed with vengeance, however, on account of simple altercation and the ensuing dispute, quarrel had taken place leading to the alleged incident.



Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that the petitioner is the main accused who has fired gun shot on the chest of the deceased namely Ankit, resulting in his death and there are ample material on record to show the complicity of the petitioner in the alleged crime.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, I find that there are ample materials on record to show the complicity of the petitioner in the alleged crime apart from the fact that the petitioner is the main assailant who has shot dead the deceased namely Ankit, hence, I am not inclined to grant bail to the petitioner, accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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