

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6517 of 2023

Arising Out of PS. Case No.-366 Year-2020 Thana- BIDUPUR District- Vaishali

Vikash Kumar Son of Shivjee Rai @ Shivji Ray R/O Village- Bidupur Dih,
P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Bidupur P.S. Case No. 366 of 2020 registered for the offence under Sections 341, 323, 324 and 307 of the Indian Penal Code (for short 'I.P.C.'). Later on Section 302 of the I.P.C. was added.

The accused/petitioner is not named in the F.I.R. and is in custody since 22.10.2022.

The allegation against the petitioner is to commit murder of the brother of the informant alongwith unknown co-accused persons by means of inflicting knife injury on the vital parts of the body of the deceased out of previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of



confessional statement of co-accused Anant Prakash while he was arrested in Bidupur P.S. Case No. 488 of 2020. It is submitted that out of said confession of co-accused Anant Prakash no incriminating material recovered/surfaced during the course of investigation, which may incriminate this petitioner, *prima facie*, with present occurrence of murder. It is submitted that petitioner was the tenant of co-accused Anant Prakash where disputes is related with payment of rent and out of same dispute co-accused Anant Prakash while apprehended in Bidupur P.S. Case No. 488 of 2020, named this petitioner without having any connecting evidence. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except confessional statement of co-accused, nothing incriminating appears against this petitioner where petitioner is in custody since 22.10.2022 coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with



Bidupur P.S. Case No. 366 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Vaishali at Hajipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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