

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17680 of 2023**

Arising Out of PS. Case No.-704 Year-2022 Thana- MOTIHARI MUFASIL District- East  
Champaran

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VIVEK KUMAR SINGH SON OF RAVINDRA SINGH RESIDENT OF  
VILLAGE BADA TOLA, BASANTPUR, PS MUFFASIL, DISTRICT EAST  
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ravi Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      17-07-2023                      Heard learned counsel for the petitioner, learned  
counsel for the informant learned counsel for the informant and  
learned APP for the State.

The petitioner has prayed for regular bail in a case  
registered for the offence punishable under sections 302, 34,  
120B of the Indian Penal Code.

As per allegation in the FIR, it is a case of murder in  
triangular love story. Deceased was in love with Shilpi Kumari  
with whom petitioner was also in love. Prior to the alleged  
occurrence, petitioner and others have threatened the deceased  
of dire consequences, if he does not stay away from Shilpi. The  
allegation against the petitioner along with co-accused persons  
is that they committed murder of the informant's brother by



stabbing by knife.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of confessional statement of co-accused Shilpi Kumari before the police which has got no evidentiary value in the eye of law. There is no specific allegation of stabbing is attributed to the petitioner rather general and omnibus allegation has been leveled against him. No one is the eye witness of the alleged occurrence and so far recovery of the alleged mobile is concerned, the same is planted one. Similarly situated co-accused namely, Anil @Anil Kumar has already been granted bail by this Court vide order dt. 11.5.2023 passed in Cr. Misc. No. 11560 of 2023 and Shilpi Kumari granted bail by this Court vide order dt. 11.7.2023 passed in Cr. Misc. No. 12202 of 2023. Petitioner is languishing in judicial custody since 25.10.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the



petitioner on bail. The above named petitioner is directed to be released on bail in connection with Muffasil P.S. Case No. 704 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJM-16th, Motihari, East Champaran.

**(Sunil Kumar Panwar, J)**

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