

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50065 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- DHANAHA District- West Champaran

1. VIVEK MISHRA @ RITIK MISHRA Son of Shiv Kumar Mishra Resident of village - Patlapur, P.S.- Khukhundu, District - Dewariya (U.P.).
2. Sonu Yadav Son of Rupchandra Yadav @ Rupchand Resident of village - Patlapur, P.S.- Khukhundu, District - Dewariya (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sarvan Kumar, Advocate
For the State	:	Mr.Sanjay Kumar Singh, A.P.P.
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 06-02-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners seek regular bail in connection with Dhanaha P.S. Case No. 224 of 2021 registered for the offences punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, according to the informant, is that on 23.12.2021, his son had gone to drop his son and daughter to their school, however, when he did not return, enquiry was



made and the grandson of the informant, namely, Ranjeet Kumar Kushwaha revealed that two persons had forcibly taken the son of the informant in a sugarcane field where 10 other persons were present from before. Subsequently, the dead body of the son of the informant was recovered from the said sugarcane field of Dhananjay Singh and bullet injuries were found on the head and chest of the said deceased. It has also been alleged that the informant was a witness in the case of one Pitambar Thakur, hence he had been threatened by one Aakash Kushwaha, after he had come out from custody, whereafter he had conspired and killed the son of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are languishing in custody since 07.07.2022. The learned counsel for the petitioners has further submitted that as far as the petitioner no.1 is concerned, he is an accused in four other criminal cases while the petitioner no. 2 is an



accused in seven other criminal cases.

Per contra, the learned A.P.P. for the State and the learned counsel appearing for the informant have vehemently opposed the prayer for bail and have submitted, by referring to the case diary, that three criminals were hired from the State of U.P., namely, Vivek Singh, Vivek Mishra and Sonu Yadav and as far as the mobile phone used for coordinating the crime committed in the present case, is concerned, the same has been recovered from the co-accused person, namely, Vivek Singh and Vivek Mishra and Sonu Yadav being their main accomplice, all the said three persons are the prime culprits.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that there are ample materials on record to suggest the complicity of the petitioners in the



alleged crime, apart from the fact that they are veteran criminals which in itself is sufficient to disentitle the petitioners to the privilege of bail, hence I am not inclined to grant bail to the petitioners, thus the present petition qua the petitioners herein stands dismissed. Reference in this connection be had to a judgment rendered by the Hon'ble Apex Court in the case of **Ash Mohammad vs. Shiv Raj Singh @ Lalla Babu & Anr.**, reported in **(2012) 9 SCC 446**.

(Mohit Kumar Shah, J)

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