

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47254 of 2023

Arising Out of PS. Case No.-975 Year-2022 Thana- SIKARPUR District- West Champaran

Vivek Kumar Sukla @ Vivek Sukla S/O Arun Sukla R/O Village- Hardiya
Chawk, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan Dixit

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-11-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 307/34, 120B/34 of the Indian Penal Code.

3. As per prosecution case, petitioner along with other co-accused persons are alleged to have opened fire upon the son of the informant namely, Rajesh Kumar due to which he sustained gun shot injury. Thereafter, he was taken to hospital where doctor declared him dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in the F.I.R and his name subsequently sprang up during the



course of investigation. From perusal of prosecution as well case diary, although the informant alleged in his written application that co-accused Monu Sharma @ Aditya Sharma shot fire to the deceased whereas, during course of investigation witnesses of this case have stated vide para 18A & 18B of the case diary that the co-accused Md. Firdaush Akhtar shot fire upon the person of the deceased. There is contradiction between statement of witnesses and informant which creates doubt upon the prosecution. The petitioner is having one criminal antecedent as stated in para-3 of the bail petition. Moreover, he is languishing in judicial custody since 22.01.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that son of the informant died due to gunshot injury. The postmortem report of also supports the prosecution allegation.

6. 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 Shikarpur P.S. Case No. 975 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 Chief Judicial Magistrate, Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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