

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52022 of 2023

Arising Out of PS. Case No.-78 Year-2021 Thana- BIKRAM District- Patna

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Bikrant Yadav @ Vikrant Kumar Dinesh Kumar Village Chiraiyatand Ps
Neora (OP.), Bihta Dist Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Prasad Yadav, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
27.02.2023 in connection with Bikram P.S. Case No. 78 of
2021, F.I.R. dated 27.04.2021 for the offences punishable under
Sections 302/34 of the IPC and 27 of the Arms Act.

3. According to prosecution case, informant's son
Abhishek Kumar @ Narayan Jee went to 'Moriyawan', Vikram,
Patna with Vikash Kumar of the occasion of 'Tilak' of the
daughter of Ram Rangesh Kumar Singh. On that very place his
son gave information through mobile phone that he has taken
food and left from there after sometime. On 26.4. 21 at about
00-45 0' Clock informant got an information that his son was
died gunshot unknown persons, after that informant reached at
Vikram police station where he knew that three young person



ride on a motor cycle came from behind and located his son and stop the vehicle near 'Sikariya' more and fired on his son upon his head, for which who died on the spot. Vikash Kumar was sitting on the motor cycle with his son who managed to escape of that occurrence. Informant's son was abused a few days back by Vikrant Yadav over money transaction and Vikrant Yadav had threatened that he will leave the world within one month. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that during investigation no other cogent material has come to suggest the involvement of the petitioner in the present occurrence. Further submits that paragraph-24 of the case diary suggests that petitioner was seen in the C.C.Tv. footage, but there is no accusation and as per FIR the petitioner was returning with the deceased. He further submits that in paragraph-30 of the case diary, it has come that the co-accused, namely, Chhote Sarkar @ Manoj Kumar who has fired upon the victim and although the petitioner has been identified in the CCTV footage. It has also come in the CCTV footage that the petitioner has not committed the crime in question and he was



accompanied with the deceased, so he has falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., VI, Danapur in connection with Bikram P.S. Case No. 78 of 2021, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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