

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60157 of 2023

Arising Out of PS. Case No.-411 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

VIVEK KUMAR @ VIVEK RAJ SON OF SRI SANJEEV KUMAR SINGH
@ SANJEEV SINGH @ SANJEEV KUMAR RESIDENT OF VILLAGE
BADALPURA PS MAIHANI DISTRICT BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Priyanka Singh, Adv.

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-12-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The present petition is by way of second attempt at
the behest of the petitioner for grant of regular bail in
connection with Begusarai P.S. Case No. 411 of 2021, registered
for the offences punishable under Sections 341, 307, 302, 504,
506, 120B/34 of the Indian Penal Code and Section 27 of Arms
Act, inasmuch as the earlier prayer of the petitioner for grant of
regular bail was rejected by this Court, by an order dated
03.01.2023, passed in Criminal Miscellaneous No.5163 of 2022.

3. The case of the prosecution in brief, according to
the informant, is that he had passed Matriculation examination
from Saint Paul School in the year 2018 and was having love



affair with a girl namely Aishwarya. Subsequently, the said girl had broken her affair with the informant and had then developed intimacy with the petitioner but subsequently she again started talking with the informant, leading to the petitioner calling her on her mobile and harassing her, hence on 02.07.2021, the informant, who was at his home alongwith his friends, had called the petitioner on his mobile phone and told him to come to his home but he refused to come, hence the informant asked him as to why he was harassing his girl friend Aishwarya by making calls, whereafter quarrel had taken place. Subsequently, the petitioner called the informant on his mobile phone and told him to come at Masuri School, where the petitioner and his friends were already present from before. The informant had then gone to the said place of occurrence and altercation had taken place in between them, whereafter the accused persons had fired on the informant and his friends. As far as the petitioner is concerned, he is stated to have fired gun shots at Ankit on his chest, resulting in his death.

4. The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 07.07.2021 and even the charges have not been framed, hence a sympathetic view be taken and the petitioner be granted the privilege of



regular bail.

5. Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that the petitioner is the main accused who had fired gun shot on the chest of the deceased namely Ankit, resulting in his death and there are ample material on record to show the complicity of the petitioner in the alleged crime, hence no sympathy should be shown to the petitioner.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that there is no change in the circumstances so as to warrant re-consideration of the prayer of the petitioner for grant of regular bail, hence, I do not find any merit in the present petition, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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