

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61056 of 2022

Arising Out of PS. Case No.-328 Year-2021 Thana- PARSABAZAR District- Patna

VICKY KUMAR Son of Suryavansh Singh Resident of Village- Lakhi Pur
Koli, Fatehpur, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 28-02-2023 On 24.02.2023, bail was granted to this petitioner based upon the submissions made by learned counsel for the petitioner and one of the material submissions was that three similarly situated co-accused persons, namely, Kundan Kumar @ Chintu, Ajit Kumar @ Ajeet Kumar and Dhiraj Kumar @ Dheeraj Kumar have been granted bail by different co-ordinate Benches of this Court. However, before signing the order, on perusal of the file, I found that P.S. case number concerning this petitioner is different from the P.S. Case number concerning the aforesaid co-accused persons as their cases arise out of Chowk P.S. Case No.149 of 2022 whereas the petitioner seeks bail in Parsa Bazar P.S. Case No.328 of 2021.

In such view of the matter, the matter has been directed to be listed today i.e. on 28.02.2023 under the heading



“To be Mentioned” seeking clarification from learned counsel for the petitioner on the aforesaid fact.

Today, when the case is called out, on the aforesaid query, learned counsel for the petitioner tenders unqualified apology from the Court and admits that actually there is difference between the P.S. Case number concerning this petitioner and P.S. case number of the aforesaid co-accused persons, but submits that the aforesaid submission was not made with *mala fide* intention rather it was a *bona fide* mistake due to inadvertence on the part of the petitioner. He further undertakes that he will be more careful in future and shall not repeat such a mistake.

Apology is accepted and the order dated 24.02.2023 is recalled.

Court Master is directed to change the progress accordingly forthwith.

Now, the instant matter is again heard on merit.

As per the prosecution, the informant's brother was shot dead by some unknown miscreants at the alleged place.

The main submissions advanced by the learned counsel for the petitioner are that petitioner is not named in the FIR and his name in the alleged crime surfaced in the statement



of co-accused Monu Kumar and there is no direct evidence against the petitioner.

Learned APP appearing for the State has vehemently opposed the bail prayer and submits that there are criminal antecedent of four cases against the petitioner.

Considering the seriousness of occurrence which relates to murder of the informant's younger brother caused by using firearm and as per the prosecution, the petitioner was found absconding from his house just after the happening of the alleged murder which goes against the petitioner and as per paragraph no.64 of the case diary, during vehicle checking, narcotic material and firearm were recovered from possession of this petitioner and co-accused and during investigation in following with the disclosure statement made by the petitioner, his mobile phone was recovered, in my view, petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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