

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14178 of 2024

Arising Out of PS. Case No.-336 Year-2023 Thana- ALAMGANJ District- Patna

VIKASH KUMAR S/O LATE BHOLA YADAV R/O VILLAGE-
PEYARELAL KA BAG SHITALA MANDIR, BISKOMAN COLONY, P.S-
ALAMGANJ, DISTT.- PATNA, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gauri Shankar Yadav
For the Informant	:	Mr. Raj Kishore Jha
For the Opposite Party/s	:	Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 13-09-2024 Heard learned counsel for the petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Alamganj P.S Case No. 336 of 2023 dated 18.04.2023 registered for the offence punishable u/ss 302, 120B read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on 18.04.2023 at 15:20 pm, the Raj Mistry called the informant's husband regarding carrying of cement, then her husband went there and after 15 minutes, one mistry, Ajit Kumar came and told the informant



that two persons came and fired four rounds of bullets on her husband and then they fled away. When the informant reached the place of occurrence, she saw that her husband was lying down near the boundary. The informant carried her husband to hospital where he was declared dead.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted the petitioner is not named in the F.I.R. rather his name was sprung up in the confessional statement of the co-accused. There is nothing on record indicating the petitioner's involvement except the confessional statement of the co-accused Suraj Kumar. The petitioner has two criminal antecedents as stated in para 3 of the bail petition.

5. Learned counsel for the Informant as well as learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner. The anticipatory bail application of one of the co-accused has already been rejected by the **Hon'ble Supreme Court** vide order dated **15.07.2024** passed in **Petition(s) for Special Leave to Appeal (Crl.) No(s). 8023 of 2024.**

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the



petitioner, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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