

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13097 of 2024

Arising Out of PS. Case No.-156 Year-2021 Thana- BAKHTIYARPUR District- Patna

Vikash Kumar son of Vinod Singh, R/o Village- Mustafapur, PS- Deepnagar,
Distt.- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anand Kumar, Advocate

For the Opposite Party : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-07-2024 Heard Mr. Anand Kumar, the learned counsel for the

petitioner and Mr. Vinod Shanker Modi, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

10.02.2022, in connection with Session Trial No. 710 of 2022,

arising out of Bakhtiyarpur P.S. Case No. 156 of 2021, FIR

dated 18.08.2021, registered for the offences punishable under

Section 302 read with Section 34 of the Indian Penal Code and

under Section 27 of Arms Act.

3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 56539 of 2022, which was

dismissed vide order dated 23.12.2022. Thereafter, the petitioner

has again moved before this Hon'ble Court in Cr. Misc. No.

52641 of 2023, which was dismissed as withdrawn vide order



dated 22.08.2023 with a liberty to file a fresh application. Thereafter, the petitioner has filed the present petition before this Court.

4. According to the prosecution case, the informant heard the sound of firing late at night and she saw Rishu Kumar and Vikash Kumar having pistols in their hands, and on gunpoint they threatened her and fled away. It is further alleged that when she went near her husband, she found him dead.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

6. The learned Additional Public Prosecutor for the State on the other hand on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient evidence which has come during investigation which suggests the involvement of the petitioner in the present occurrence and apart from that, on the basis of the confessional statement of the co-accused person (informant), the arms which was used in the crime in question has been recovered and in addition to that, the report of the learned trial Court reveals that out of eight



chargesheeted witnesses, the prosecution has examined four witnesses.

7. Considering the aforesaid facts and circumstances as well as the report of the learned trial Court, I am **not** inclined to enlarge the petitioner on bail in connection with Bakhtiyarpur P.S. Case No. 156 of 2021, pending in the Court of learned Additional Sessions Judge-III, Barh, Patna.

8. Prayer is refused.

9. However, the learned trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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