

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23984 of 2024

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

Vikash Kumar @ Vikash Kumar Singh Son of Kamal Singh Resident of
Village- Naraur Fulari, P.S.- Sahar, Dist.- Bhojpur (Arah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2024 Heard Mr.Ajay Kumar Sinha, learned counsel for the
petitioner and Mr.Shantanu Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
29.08.2022 in connection with S.Tr.No.135 of 2023 arising out
of Bikram P.S. Case No. 78 of 2021, F.I.R. dated 27.04.2021
registered for the offence punishable under Sections 302/34 of
IPC and Section 27 of the Arms Act.

3. As per the FIR, on 25-04-2021 when the
informant's son Abhishek Kumar @ Narayan Jee along with his
friend Vikash Kumar had gone on a Motorcycle to attend the
Tilak ceremony of the daughter of one Rangesh Singh in Village
Moriawan and at about 11.00 PM. he called on the informant's
Mobile and told him that he would return home after sometime.
But at 00.45 A.M. the informant received an information that



some unknown have fired upon his son and the informant reached to Bikram Police Station where he got knowledge that three bike borne miscreants overtook the Motorcycle of the informant near Sikariya Road Mor at Village Moriawan and one of the pillion rider of the said Motorcycle came forward and fired upon the informant's son on his head and the bullet hit on his head and he died on the spot. The informant's son fell and Vikash Kumar succeeded in fleeing away. It has been further alleged that earlier there was a quarrel with one Vikran Yadav of Village Chiraiyantand presently Neora Dera and he threatened the informant's son that he would kill him within one month and the informant had got further information that at the time of alleged occurrence Vikrant Yadav was present at the place of occurrence in Village- Moriawan.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Chhote Sarkar @ Abhishek and except the confessional statement of co-accused person, no other cogent material has come during investigation against the petitioner to suggest the involvement of



the petitioner in the present occurrence and co-accused person, namely, Bikrant Yadav @ Vikrant Kumar, who is named in the FIR, has already been granted bail by this Court vide order dated 27.09.2023 passed in Cr. Misc. No.52022 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 29.08.2022.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Chhote Sarkar @ Abhishek and apart from that the petitioner carries five more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned A.D.J.-I, Danapur, Patna in connection with S.Tr.No.135 of 2023 arising out of Bikram P.S. Case No. 78 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Nitesh/-

U		T	
---	--	---	--

