

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29256 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

Vikash Kumar @ Rajiv @ Vikash Son of Sachitanand Singh @ Sacchida Prasad Singh @ Sachtanand R/o Village- Bhola Bigha, P.S.- Islampur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

7 02-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Muffasil (Nawada) P.S. Case No. 296 of 2023 for the offence punishable under Section 302 of the Indian Penal Code read with Section 27 of the Arms Act lodged on 12.09.2023 by the informant, Ayodhya Singh.

3. As per the prosecution story, the informant's son went with the petitioner saying that he will return in five minutes, later information came that he has received gun shot injury and is in Pawapuri Hospital. Later information came that his dead body is at Sadar Hospital, Nawada. This led to F.I.R.

4. Learned counsel for the petitioner submits that in course of investigation, it has come to light that while the informant's son (deceased) was driving the motorcycle, the petitioner was sitting behind. It seems that both were indulged

in criminal activities and were also carrying arms. However, on the issue of percentage, they had dispute, the petitioner wanted the deceased to stop the motorcycle, he didn't do so, infuriated, the petitioner opened fire from behind as he was pillion riding, the informant's son thereafter lost balance and the motorcycle fell in the ditch. Both were taken to the hospital where the informant's son succumbed to the injuries, while the petitioner was arrested along with arms/cartridges.

5. The Trial Court report is on record, according to which, the charges framed on 06.05.2024 and out of five prosecution witnesses, one has already been examined.

6. In that background, it would be appropriate that the petitioner who has six criminal antecedents under his belt including that of Section 302 of the Indian Penal Code should present all his points before the Trial Court. This Court is not inclined to extend him the privilege of bail which is accordingly, rejected.

(Rajiv Roy, J.)

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