

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35369 of 2024

Arising Out of PS. Case No.-708 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Vivek Kumar Son of Sanjay Chaudhary Resident of Bhabua Ward No.- 17,
P.S.- Bhabua, District - Kaimur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Aditya Prakash Sahay, Advocate
For the Opposite Party/s	:	Mr.Gauri Shankar Gupta, APP
For the Informant	:	Mr.Rajendra Nath Sinha, Advocate
	:	Mr.Varun Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioner, learned
counsel for the informant, learned APP for the State and perused
the case diary.

2. The petitioner seeks bail in connection with Bhabua
P.S. Case No. 708 of 2023 instituted for the offences under
Sections 302, 201 of the Indian Penal Code and and Sections
25(1-b)a, 26, 27, 35 of the Arms Act.

3. Prosecution case, in short, is that this petitioner, in
connivance with other co-accused persons committed murder of
the deceased.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the



present case. Petitioner is not named in the FIR. The name of the petitioner has transpired in this case only on the basis of confessional statement of the co-accused Atul Patel. Learned counsel for the petitioner further submitted that from perusal of the FIR, it transpires that this petitioner is the one who informed the informant about the occurrence. The recovered pistol does not belong to this petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that there is no specific overt act alleged against the petitioner. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.11.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail. Learned counsel for the informant further submitted that co-accused Atul Patel, in his confessional statement has stated that this petitioner instigated him to fire upon the deceased. Learned counsel for the informant further submitted that there is ample evidence against the petitioner to establish his active participation in the murder of the deceased. Learned APP for the State as well as learned counsel for the informant,



therefore, urged that considering the active participation of this petitioner in the offence, the petitioner may not be released on bail.

6. Having considered the rival contention of both the parties and taking into consideration the nature and gravity of offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is rejected. Learned trial Court is directed to expedite the trial and conclude the same preferably within a period of nine months.

8. However, if the trial is not concluded within nine months, liberty is granted to the petitioner to renew his prayer for bail after a period of nine months from the date of production/receipt of this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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