

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45695 of 2024

Arising Out of PS. Case No.-04 Year-2024 Thana- FALKA District- Katihar

Vikram Kumar Bharti @ Bullet Yadav Son of Om Prakash Yadav Resident at Bajaraha, Deera Tola, P.S.- Dhamdaha, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Senior Advocate Mr. Pranav Kumar
For the State	:	Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 05-07-2024 Heard learned Senior counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner seeks bail in connection with Falka P.S. Case No. 4 of 2024 registered for the offence punishable under Sections 307/302/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per the F.I.R., unknown criminals killed two persons namely Kanhcan Mandal and Mittu Kumar. During investigation, from the C.C.T.V. footage, it has been found out that the killers are Jitendra Yadav, Manohar Yadav and Vishnu Kumar Sah. Independent witnesses during the investigation have seen the three killers along with the petitioner and three others going to kill the deceased. The petitioner and three others



were sitting in a vehicle and after the three killers mentioned above went ahead to kill them, this petitioner along with the three other persons sitting in the car followed them. Before that had a talk among themselves and they said that the work shall be done today. Thereafter, three killers came back on motorcycle and the petitioners and three other persons who were occupants of the car came running behind the three killers and they left. During investigation, the independent witnesses have supported the prosecution case. One particular witness namely, Sunil Rai has said that he had seen the accused persons including the petitioner talking among themselves about finishing the job. He has recognized the petitioner who was going and coming on the road and he also says that the petitioner and three others came running behind the three shooters.

5. Jitendra Yadav one of the assailants has given his a self-inculpatory statement that the petitioner was a part of the conspiracy and he has acted as a liner. Others witnesses have also said that the petitioner had acted as a liner.

6. Mr. Y.V. Giri, learned Senior Counsel for the petitioner has vehemently argued the case of the petitioner and has submitted that the petitioner is not the shooter in the present case. There is no material against the petitioner and therefore, he



deserves bail.

7. Learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer for bail. He has submitted that the petitioner was a part of the conspiracy right from the beginning he has played his role by passing about the location of the deceased.

8. Apart from the materials discussed above in the case diary, it has also come in the various paragraphs that the CDR that the mobile numbers held by the petitioner and other co-accused persons shows that they were in constant touch before the crime, during the crime and after the crime. They are not unknown to one another. The petitioner is in jail since 14.01.2024.

9. In such a case of brutal murder and planned murder of two persons, the petitioner does not deserve bail. This application is dismissed.

10. The trial Court is directed to expedite the trial.

11. The aforesaid observations are for the purpose of bail and the same cannot be looked into during trial.

(Sandeep Kumar, J)

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