

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3868 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- PARSABAZAR District- Patna

Vikash Kumar S/O Satyajeet Prasad R/O Village- Habibpur, P.S- Punpun,
District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Gaurav Kumar S/O Late Prem Kumar R/O Village- Pakdi Punpun, P.S-
Punpun, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivanand Singh, Adv.
For the State : Mr.Sadanand Paswan, SPP

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

ORAL ORDER

5 14-03-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel

for the informant. Perused the case diary.

2. The instant appeal has been filed by the

appellant against the order dated 05.08.2023 passed by

learned Exclusive Special Judge, SC/ST Act, Patna whereby

the prayer for bail of the appellant in connection with Serial

No. 07 of 2023 arising out of Parsa Bazar P.S. Case No. 04

of 2023 under Sections 302, 120B/34 of the Indian Penal

Code and Section 27 of the Arms Act and under Sections

3(2)(v)(va) of the SC/ST Atrocities Act was rejected.



3. It is a case of commission of murder of the father of the Informant by the accused persons.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. The appellant is not named in the F.I.R. and his name has surfaced in this case on the basis of confessional statement given to the police in relation to Parsa Bazar P.S. Case No. 43 of 2023. Nothing has been recovered from the conscious possession of the appellant as also there is no direct or indirect material against the appellant. He further submits that the alleged confessional statement of the appellant in relation to Agamkuan P.S. Case No. 382 of 2022 is extra judicial confession given before the police which has no evidentiary value and the same is contradictory to the confessional statement of co-accused Kallu Kumar. The appellant has been remanded in this case on 31.03.2023 and since then, he is in custody. The appellant has one criminal antecedent. The appellant has no concern at all with the alleged occurrence. Learned counsel for the appellant further submits that no offence under the provisions of



SC/ST Act is also made out against him. Similarly situated co-accused namely Dileep Kumar and Prince Kumar have been granted bail by a Coordinate Bench of this Court vide orders dated 12.10.2023 and 09.11.2023 passed in Cr. Appeal (S.J.) Nos. 2469 of 2023 and 4001 of 2023 respectively.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant submitting that the appellant is a land mafia and on the basis of disclosures made by the spy, the name of the appellant has come in this case. Learned SPP has further submitted that the appellant has also confessed his guilt before the police in the confessional statement to be involved in the alleged murder of the Informant's father. The CDR report also reveals the mobile number used in the crime which shows the direct involvement of the appellant and was in touch with the co-accused persons. Para 64 of the case diary talks about the recovery of a pistol has been recovered from the possession of the appellant and the postmortem report also supports the prosecution case and, thus, the



appellant does not deserve his bail.

6. Having considered the nature and gravity of the allegation made against the appellant as also considering the above noted facts and circumstances of the case as well as materials available on record, this Court is not inclined to grant bail to the appellant for the present.

7. Accordingly, the prayer for bail of the appellant, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of nine months from today.

8. If the trial is not concluded within the aforesaid period of nine months, the appellant will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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