

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60515 of 2024**

Arising Out of PS. Case No.-179 Year-2024 Thana- KHAJEKALA District- Patna

Vicky Kumar @ Vikky Kumar, aged about 25 years, Male, Son of Rajesh Kumar @ Rajesh Thakur, Mohalla- Mirchaiya Gali, Police Station- Chowk, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Raj Krishna Jha, Advocate  
For the Opposite Party : Mr. Abhay Kumar Roy, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

3      26-10-2024                      Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Khajekalan P.S. Case No. 179 of 2024 dated 22.04.2024 registered for the offences punishable under Sections 302 read with Section 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 22.04.2024 at 10.40 A.M., the brother of the informant Ali Imam @ Tazzu, parked his Apache Motorcycle bearing Registration No. BR-01EF-1356 by the side of the gate of Gaighat Civil Court, Patna City, which was stolen for which F.I.R. was lodged in Alamganj Police Station. It is further alleged that at about 3.35 P.M., the friend of his brother namely, Md. Pintu, informed him on his mobile that



his motorcycle was parked at Sadargali Grahiya under the Khajekalan Police Station, accordingly, his brother Md. Tazzau, arrived there and behind him, the informant also went there and saw that the stolen motorcycle was standing there and three persons were also standing there, his brother asked them, where from they got his motorcycle, it is his motorcycle. Upon which, all the accused persons started abusing and assaulting his brother, when the informant tried to save his brother, then one of them took out a pistol from his waist and shot his brother in his chest and fled away. His brother fell down and covered in blood. It is further alleged that with the help of nearby people, the informant took his brother to P.M.C.H., Patna, where the doctor declared him dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. It is further submitted that on the basis of the confessional statement of the petitioner and other persons, the petitioner has been arrested in the present case. It is further submitted that in the fardbeyan of the informant, the informant has himself stated that on seeing, he can identify the real culprits but in spite of that no T.I. Parade has been conducted by the Investigating Officer and



has submitted charge sheet without any cogent evidence. No incriminating article has been recovered from his possession. He has no concern with the alleged offence. He was not arrested on the spot. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 25.04.2024.

5.Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition of the petitioner. Learned counsel for the informant has further submitted that in paragraph no. 34 of the case diary, it has been mentioned that the petitioner has confessed that he alongwith his associates Prakash Kumar @ Prakash Mod, Anmol Kumar, Raja Kumar @ Haddi, used to commit theft of the motorcycle and by modifying it they used to sell. He further confessed that on 22.04.2024 i.e., the alleged date of occurrence, as per instruction of the petitioner, the co-accused Prakash Kumar @ Prakash Mod and Raja Kumar @ Haddi took one Apache Motorcycle in Sadar Gali and parked near the house of Anmol Kumar. In the meantime, at 4.00 P.M., the owner of the said Apache Motorcycle came there and some scuffle took place between the friends of the petitioner and the owner of the Apache Motorcycle, thereafter, the co-accused Prakash Kumar



@ Prakash Mod fired from the pistol on the chest of the owner of the Apache motorcycle, as a result of which, he died.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Patna City in connection with Khajekalan P.S. Case No. 179 of 2024 with further condition:

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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