

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60314 of 2023

Arising Out of PS. Case No.-783 Year-2022 Thana- SUPAUL District- Supaul

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VAKIL SAH @ VAKIL KUMAR SAH S/O SANNU SAH R/O VILLAGE-
BARAIL, P.S- SUPAUL, DISTT.- SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyanka Singh

For the Opposite Party/s : Mr. Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 27-02-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Supaul Police Station Case No. 783 of 2022, disclosing offences under Sections 302, 120B, 34 of the Indian Penal Code.
3. As per the prosecution case, on 15.08.2022, at about 7:00 pm, in the evening, the informant along with his wife and brother went to the lodge of Jaiprakash Singh where informant's son was living for his study. When they opened the door, they found the dead body of their son, aged about 18 years, hanging from the roof of asbestos. It is also alleged that on 14.08.2022, informant's son received calls from mobile number 9110978217 and



7493993201 and he was abused and was also threatened by the caller. From the inquiry, it was found that the mobile numbers belonged to the persons namely Jaheer and Vikash from Gajna Chowk.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submits that the petitioner is neither named in the FIR nor the mobile numbers from which the informant's son was getting calls, belonged to the petitioner. He further submits that the police have not found any CCTV footage in and around P.O. He further submits that the mobile tower location of the petitioner was not at the P.O. but presumed that the petitioner must have left his cell phone at somewhere else. He further submits that there is no eye witness to the occurrence nor anyone has seen the petitioner committing any act leading to death of the informant's son. There is not direct material connecting him with the offence and nothing has been found from the possession of the petitioner to implicate him in the present case. The post mortem report is also vague and cryptic.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail to the petitioner and submits that there is direct allegation against petitioner.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the confessional statement of co-accused Md. Jaheer and Vikash Kumar in Paragraph 25 and 26 of the case diary in which the name of this petitioner has surfaced, para 55, 61, 62 of the case diary, witnesses have disclosed the name of the petitioner along with other accused persons. Charge sheet under Sections 302, 120(B) has been submitted against co-accused and taking into account the gravity of offence, I am not inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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