

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77941 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Vicky Kumar, Son Of Mahesh Paswan, Resident Of Village - Gangapur,
Police Station - Musarigharari, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prabhat Kumar Dipak, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For the Informant	:	Mr. Sumit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-03-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Musarigharari P. S. Case No. 32/2023, lodged on 28.02.2023
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against unknown accused persons with an allegation of
killing the son of the informant by causing a gunshot injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offense. On earlier
occasions, the case diary has been called for. In paragraph 16 of
the case diary, one eyewitness narrated the story of the killing of



one Subham Mishra and the subsequent killing of his friend Anmol Kumar for which the present case has been lodged. Counsel further submits that as per the statement made by the eye witness, the direct allegation is against Md. Taslim @ Haikal who has fired on the victim (Anmol Kumar). There is one criminal case pending against the petitioner in which he is on bail. He is in custody since 24.03.2023. The charge has already been framed and prosecution witnesses are going on.

5. Learned counsel for the State opposes the prayer for bail and submits that in paragraph 18 of the case diary, it is mentioned that the petitioner was identified in the CCTV footage.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that in paragraph no.16 of the case diary, on which the petitioner is relying, categorically indicates about involvement of the petitioner in the commission of the crime in the present case. He further submits that the statement made against the petitioner in paragraph 16 is fully supported by the statement made in paragraph 18 of the case diary and subsequently in paragraph 28, the main accused Md. Taslim @ Haikal also supported the involvement of the present petitioner in the commission of the crime.



7. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Musarigharari P. S. Case No. 32/2023, pending before the learned Sessions Judge, Samastipur is hereby rejected.

9. However, the trial Court is directed to expedite the trial and preferably conclude the same within 9 months. If the trial is not concluded within 9 months then the petitioner would be at liberty to renew his prayer for bail.

10. With this observation, the bail application stands disposed off.

(Dr. Anshuman, J)

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