

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71481 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- GOPALPUR District- Bhagalpur

Vikash Kumar @ Vikash Kumar Yadav Son of Akhilesh Yadav Resident of
village -Gosaigaon, PS- Gopalpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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

ORAL ORDER

3 18-12-2024 Heard learned counsel for the petitioner, learned APP for
the State and perused the case diary.

2. The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 75 of 2024 instituted for the offences
under Sections 302 of the Indian Penal Code and 27 of the Arms
Act.

3. Prosecution case, in short, is that, one unknown
person fired upon the husband of the informant, as a result of
which he died.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner
transpired in this case during investigation on the basis of



disclosure made by villagers due to his enmity with deceased. Learned counsel further submitted that there is a delay of two days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that during course of investigation, witnesses have allegedly stated that petitioner fired upon the deceased. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.03.2024 and has no criminal antecedent. Other co-accused has been granted bail by this Court *vide* order dated 21-09-2024, passed in Cr. Misc. No. 44433 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel referring to paragraph nos. 15, 16 & 17 of the case diary submitted that one of the witnesses - Golti Yadav, the associate of the deceased has specifically stated that petitioner has fired upon the deceased.

6. Considering the aforesaid facts and circumstances of the case and taking into account the cogent materials available against the petitioner in the case diary, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is accordingly *rejected*.

7. The Trial Court is directed to expedite the trial as



expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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