

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72152 of 2023

Arising Out of PS. Case No.-224 Year-2021 Thana- DHANHAHA District- West Champaran

Vivek Mishra @ Ritik Mishra S/O Shiv Kumar Mishra R/O Village- Patlapur,
P.S- Khukhundu, Distt- Dewariya (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvan Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-06-2024

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Dhanha P.S. Case No.224 of 2021, registered for the offences under Sections 302, 201 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act, inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected vide order dated 06.02.2023, passed in Cr. Misc. No. 50065 of 2022.

2. The case of the prosecution, according to the informant, is that on 23.12.2021, his son had gone to drop his son and daughter to their school, however, when he did not return, enquiry was



made and the grandson of the informant, namely, Ranjeet Kumar Kushwaha revealed that two persons had forcibly taken the son of the informant in a sugarcane field where 10 other persons were present from before. Subsequently, the dead body of the son of the informant was recovered from the said sugarcane field of Dhananjay Singh and bullet injuries were found on the head and chest of the said deceased. It has also been alleged that the informant was a witness in the case of one Pitambar Thakur, hence he had been threatened by one Aakash Kushwaha, after he had come out from custody, whereafter he had conspired and killed the son of the informant.

3. The learned counsel for the petitioner submits that the petitioner is languishing in custody since 07.07.2022 and there is no material in the case-diary to indict him in the present case, hence he should be granted regular bail.

4. *Per contra*, the learned Additional Public Prosecutor appearing for the State and learned counsel appearing for the informant have



vehemently opposed the prayer for bail and have submitted that the petitioner is a veteran criminal, inasmuch as he is accused in four other criminal cases and he has also ensured that the trial in the present case does not progress, inasmuch as he keeps on switching from Uttar Pradesh Jail to Bihar Jail and vice versa, in the garb of appearing before the concerned Trial Court, in the State of Uttar Pradesh. Reference has also been made to the earlier order of this Court dated 06.02.2023 to submit that this Court had considered the materials available in the case-diary, at length and had found ample materials therein to show the complicity of the petitioner in the alleged crime. It is further submitted that the impugned order dated 28.07.2022 passed by the learned Court of 1st Additional Sessions Judge, Bagaha, District-West Champaran also demonstrates that ample materials are on record to show the complicity of the petitioner in the alleged crime.

5. Having regard to the facts and circumstances of the case, considering the



materials on record and taking into account the earlier order of this Court dated 6.02.2023, passed in Cr. Misc. No.50065 of 2022 as also the impugned order dated 28.07.2022, this Court finds that not only the petitioner is having a bad criminal antecedent, but there are ample materials on record to *prima facie* show the complicity of the petitioner in the alleged crime, apart from the fact that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, hence I do not find any reason to reconsider the prayer of the petitioner for grant of regular bail, thus, this petition stands dismissed being bereft of any merit.

(Mohit Kumar Shah, J)

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