

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72131 of 2023

Arising Out of PS. Case No.-422 Year-2022 Thana- FATUA District- Patna

Vikash Kumar Son Of Late Yogendra Prasad @ Late Bagru Yadav Resident
Of Nohta, Mirzapur Nohta, P.S. - Fatua District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kritu Verma, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Fatua P.S. Case no. 422
of 2022 registered under sections 363, 365 and 34 of the Indian
Penal Code.

3. As per the prosecution case, the informant states
that his son was taken by the petitioner, Santosh Kumar,
Raushan Kumar and Rajnish Kumar and thereafter did not
return. On contacting the petitioner on telephone, the informant
states that he was told that he would get to talk to his son soon.
Thereafter on making further attempts, the phone number of the
petitioner was found to be switched off. His son did not return.
As such the informant states that he apprehends that some
untoward incident has occurred for the reason that on an earlier
occasion when there was a fight with Roshan Kumar, he had
threatened the informant.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The petitioner is a transporter. He had gone near the place of occurrence only to see off one of his vehicle which had been hired. The victim is himself a highway robber with a number of antecedents. The manner of occurrence is other than what has been narrated in the FIR. At best the case against the petitioner may be one of last seen. The petitioner is in custody since 7.8.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State who submits that the petitioner is named in the F.I.R and the victim has still not been recovered.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the petitioner being named therein and the victim not having been recovered, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Liberty is granted to the petitioner to renew his prayer for bail on completing one year in custody.

(Partha Sarthy, J)

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