

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80011 of 2023

Arising Out of PS. Case No.-569 Year-2023 Thana- TURKAULIYA District- East
Champaran

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VISHWAJEET KUMAR SON OF VIJAY SINGH R/O VILLAGE-
CHIKNAUTA, P.S.- SUGAULI, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii

For the Opposite Party/s : Mr.Uday Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 21-08-2024 Heard the learned counsel for the petitioner as
well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Madhuban P.S. Case No. 516 of 2023 for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 307,
379, 448, 447, 504, 506 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per FIR, the allegation against the petitioner is
that he came at the door of the informant and took the
informant's son in a *Barat* Party and later on, he along with
others killed the informant's son by gun-shot and threw away his
body near Belwa Rai Road. It has been mentioned in the FIR
that the petitioner and his associates had committed murder of
the deceased.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has further submitted that except suspicion, there is nothing against the petitioner. There is no eye witness of the occurrence and the motive for committing murder has been not mentioned in the FIR.

5. On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that it was the petitioner, who killed the deceased after the deceased accompanied the petitioner and thereafter was found missing. It is strange that the mobile phone of the petitioner was switched off when the father of deceased attempted to contact him. He has further submitted that the deceased was seen by the witnesses going with the petitioner in paragraph nos. 10 and 11 of the case diary, as such, it is a case of circumstantial evidence and the link of chain is completed by the statement of the witnesses recorded under Sections 10 and 11, who are the witnesses on last seen.

6. The deceased was last seen in company with the petitioner. His mobile set was switched off when the father of the deceased wanted to contact the petitioner.

7. Considering the above-mentioned facts and



circumstances as well as the gravity of the allegation, I do not think it to be a fit case for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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