

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85062 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- BETTIAH CITY District- West
Champaran

=====

Vikash Kumar @ Vikas Mali Son of Chandrama Bhagat Resident of Village -
Rajendra Nagar Kalibagh, Police Station - Kalibagh O.P., District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State and counsel for the informant.

2. The petitioner seeks regular bail in connection with
Bettiah Nagar (Kalibagh O.P.) P.S. Case No.210 of 2023 lodged
under Sections 302, 120B and 34 of the I.P.C. read with Section
27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against unknown accused persons against whom there is
allegation of firing on the head of the son of the informant due
to which he died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He
submits that case diary has been called for. In the case diary,
there is no material found against the petitioner. The allegation
of firing is against the Chandan Singh. The extreme allegation
against the petitioner is that he has rushed from the place of
occurrence with Chandan Singh and driving the motorcycle.



5. Counsel further submits that the petitioner is in custody since 20.05.2023 having two criminal antecedent in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail and submits that there are materials available in the case diary against the petitioner as he is present with whom the person has fired and fled away from the place of occurrence.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the bail application of other co-accused persons, namely, Vijay Gupta and Chandan Singh with whom the petitioner was seen sitting in the motorcycle in CCTV camera, has been refused by the Co-ordinate Bench of this Court vide orders dated 08.06.2023 and 29.02.2024 passed in Cr. Misc. Nos. 33986 of 2023 and 78532/2023.

8. Upon perusal of the case diary, it transpires to this Court that role of co-accused Chandan Singh and petitioner is in furtherance of the common intention. As such, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the bail application of the petitioner is hereby refused.

(Dr. Anshuman, J.)

Prakashmani/-

U			
---	--	--	--

