

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16017 of 2025

Arising out of PS. Case No.-74 Year-2024 Thana- MORKAHI District- Khagaria

Vikesh Kumar Singh, Son of Jagnarayan Singh Resident of Village - Marar,
P.S. - Morkahi, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate
		Mr. Braj Bhushan Poddar, Advocate
For the Informant	:	Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s:		Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

8 01-07-2025 Heard Mr. Ansul, learned senior counsel for the petitioner assisted with Mr. Braj Bhushan Poddar, learned counsel, Mr. Rajesh Ranjan, learned counsel for the informant and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 302/34 and 12(B) of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act. He has one criminal antecedent, i.e., Morkahi P.S. Case No. 147 of 2021 registered under Sections 341, 323, 307, 379, 506/34 IPC.

3. The case of the prosecution is that the brother of the informant namely, Shambhu Kumar had gone for measuring land. After measurement, one Dinesh Rajak and Shambhu Kumar were returning on his TVS bike. Dinesh Rajak was his pil-



lion and at 06:00 PM, two bikers overtook and fired at Shambhu Kumar. He was rushed to hospital where he died during his treatment.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned senior counsel for the petitioner further submits that Dinesh Rajak who is pillion rider of deceased namely, Shambhu Kumar has stated in his statement under Section 161 of the Cr.P.C. that he can identify the assailants, but in this case, no TIP was conducted till date to identify the accused persons. It is also submitted by learned counsel for the petitioner that from perusal of the case diary, the motive of the petitioner is also not clear. It is also submitted by learned senior counsel for the petitioner that even taking the confessional statement of various co-accused persons it would be evident that barring the fact that the petitioner had acted as a liner there is nothing alleged against the petitioner in commission of the murder. Learned senior counsel has next pointed out that during the course of investigation from the various CDRs collected by the police it has surfaced that there was some conversation between the petitioner and others merely on such basis petitioner cannot be attributed with the charge of killing the deceased. Learned senior counsel



has next submitted that in all the confessional statement of the co-accused persons it has been said that the petitioner had found out the location of the Amin (deceased) and had forwarded the same to other co-accused persons and beyond that there is nothing against the petitioner. It is lastly submitted by learned senior counsel for the petitioner that co-accused Rahul Kumar has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 26.10.2024 passed in Cr. Misc. No. 64994 of 2024 and the petitioner has one criminal antecedent and he is in custody since 29.07.2024.

5. Learned Additional Public Prosecutor appearing for the state as well as Mr. Rajesh Ranjan, learned counsel for the Informant has opposed the prayer for bail of the petitioner. Learned counsel for the Informant has submitted that the police during the course of investigation from the dump data examined and verified that Rahul Kumar and Raushan had talked to the deceased and they have in their confession stated that it was the petitioner who had given the location of the deceased. Learned counsel for the Informant further points out that the co-accused Prince Paswan and Mukesh Paswan's mobile numbers were found to be active at the location and there were several calls between the petitioner and the said co-accused persons. Learned



counsel has drawn the attention of this Court to the fact that on such confessional statements, the motorcycle used in the crime was recovered from the house of co-accused Jay Kishor Kumar while the pistol was recovered from co-accused Mukesh Paswan. Learned counsel for the Informant further draws the attention of the Court towards the detail of the CDR found on Page 116 wherein it would be gathered that the petitioner was talking with the other co-accused persons on the date the said incident occurred. Learned counsel for the Informant has stated that the details of the mobile of the petitioner, Vikesh Kumar Singh could be found at Page 132 of the case diary and from there it would be evident that there was call with the accused Prince who has been stated to have shot upon the deceased. Learned counsel for the Informant has further submitted that the bail application of co-accused Mukesh Paswan has been rejected and has thus summarized that from the electronic evidence it would be clear that the petitioner had conspired in the killing of the Amin. Thus, learned counsel for the informant as well as learned Additional Public Prosecutor has stated that the petitioner being actively involved in the said incident may not be released on bail.

6. Considering the aforesaid submissions of the par-



ties and taking into account the fact that the name of the petitioner is there on the basis of mere suspicion and even taking into account the confessional statement of the co-accused the allegation against the petitioner is of acting as a liner and also taking into account the fact that co-accused person has been granted bail by a Co-ordinate Bench of this Court and the petitioner is in custody since 29.07.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I/Court concerned, Khagaria in connection with Morkahi P.S. Case No. 74 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner except one above-mentioned case and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Khagaria within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation



of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

Vikash/-

U		T	
---	--	---	--

