

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45785 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- KHAJEKALA District- Patna

Prakash Kumar Son of Ajay Rai @ Akshay Rai @ Akshay Prakash @ Ajay Prakash @ Vijay Prasad Permanent Address- Naya Tola PS- Bakhtiyarpur Distt -Patna at present Address -Michai Gali PS- Chowk District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP
For the Informant/s : Mr. Saurabh Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 16-09-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Khajekalan P.S. Case No. 179 of 2024 dated 22.04.2024 registered for the offences punishable under Sections 302 read with Section 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 22.04.2024 at 10.40 A.M., the brother of the informant Ali Imam @ Tazzu, parked his Apache Motorcycle bearing Registration No. BR-01EF-1356 by the side of the gate of Gaighat Civil Court, Patna City, which



was stolen for which F.I.R. was lodged in Alamganj Police Station. It is further alleged that at about 3.35 P.M., the friend of his brother namely, Md. Pintu, informed him on his mobile that his motorcycle was parked at Sadargali Grahiya under the Khajekalan Police Station, accordingly, his brother Md. Tazzau, arrived there and behind him, the informant also went there and saw that the stolen motorcycle was standing there and three persons were also standing there, his brother asked them, where from they got his motorcycle, it is his motorcycle. Upon which, all the accused persons started abusing and assaulting his brother, when the informant tried to save his brother, then one of them took out a pistol from his waist and shot his brother in his chest and fled away. His brother fell down and covered in blood. It is further alleged that with the help of nearby people, the informant took his brother to P.M.C.H., Patna, where the doctor declared him dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused, Vicky Kumar. It is further submitted that in the fardbayan of the informant, the informant has himself stated that



on seeing, he can identify the real culprits but in spite of that no T.I. Parade has been conducted by the Investigating Officer. The charge-sheet has been submitted against the petitioner. No incriminating article has been recovered from his possession. He has no concern with the alleged offence. He was not arrested on the spot. The petitioner has five criminal antecedents in which he is on bail in all cases as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 21.06.2024. The co-accused person has already been granted regular bail by this Court vide order dated 26.10.2024 passed in Cr. Misc. No. 60515 of 2024.

5.Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition of the petitioner. As per restatement of the informant in para-13 of the case diary, the statement of the witnesses in paras- 17, 18, 56, 57, 58, 59, 60, 61 of the case diary, they have stated about the conspiracy hatched by all the accused persons and active involvement of the petitioner in the alleged incident of murder of the informant's younger brother. The petitioner has been detected in the CCTV footage during the course of investigation and he has confessed his guilt. Learned counsel for the informant has further submitted that in paragraph no. 34 of



the case diary, it has been mentioned that the co-accused, Vicky Kumar @ Vikky Kumar has confessed that he along with the petitioner and the co-accused Anmol Kumar, Raja Kumar @ Haddi, used to commit theft of the motorcycle and by modifying it they used to sell. He further confessed that on 22.04.2024 i.e., the alleged date of occurrence, as per instruction of the co-accused, Vicky Kumar @ Vikky Kumar, the petitioner and the co-accused Raja Kumar @ Haddi took one Apache Motorcycle in Sadar Gali and parked near the house of Anmol Kumar. In the meantime, at 4.00 P.M., the owner of the said Apache Motorcycle came there and some scuffle took place between the friends of the co-accused, Vicky Kumar @ Vikky Kumar and the owner of the Apache Motorcycle, thereafter, the petitioner fired from the pistol on the chest of the owner of the Apache motorcycle, as a result of which, he died.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of offence against the petitioner, this court is not inclined to grant bail to the petitioner and the same is rejected in connection with Khajekalan P.S. Case No. 179 of 2024, pending in the Court of learned A.D.J.-III, Patna City.

7. The application stands rejected and the learned trial



court is directed to expedite the trial of the petitioner and
conclude the same at the earliest.

(Chandra Prakash Singh, J)

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