

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72949 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- GAYA MUFASIL District- Gaya

Vikash Kumar Son of Late Ranjit Prasad @ Ramji Mistri Resident of Village-
Neyamatpur, P.S.- Mahkar, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73307 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- GAYA MUFASIL District- Gaya

Pawan Kumar @ Chandan Kumar Son of Anil Mistry Resident of Village-
Bandhu Bigha, Teusa, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72949 of 2024)

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

(In CRIMINAL MISCELLANEOUS No. 73307 of 2024)

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 21-01-2025 Heard learned counsel for the petitioners Mr. Aryan
Singh, and learned APP for the State.

2. The petitioners have prayed for regular bail in a case
registered for the offence punishable under sections 302, 201
and 34 of the Indian Penal Code and Section 27 of the Arms
Act.



3. The case of the prosecution is that the grandfather of Sonu lives with his family and Sony drives a *toto/e-rickshaw* for his livelihood. On 14.02.2024 at about 7 pm, he went from house and told that he will return late in night as he has to drop one dancer. He received a call on his mobile No. 9241871292, after this call, he went from the house and when Mukesh called Sonu as to when he come, he replied that it will take one more hour. Sonu did not returned till night after that the informant along with his family members started searching. At about 10 am, he came to know that behind Bhusunda green field one dead body was found which has been taken by the police to medical college. When the informant reached medical college he found that the dead body was of his grandson Sonu.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submits that from perusal of the FIR, it is clear that the FIR was lodged against unknown miscreants. As far as petitioner namely, Vikash Kumar is concerned in para 31 of the case diary, it transpires that on the mobile of deceased, a call from mobile number 7546956586 was received, after that



Sonu has also called on that number. In Para 36, it has come that above number is being used by one Deep Kumar. After obtaining the CDR of above number, it was found that this mobile number was switched off from 06.02.2023 and was searched on after one year i.e., on 12.02.2024 and this Sim was used in EMI No. 867681065378000. In para 85, it has come that one Richa was using this EMI and Richa has stated that though mobile number was taken by her, it was being used by her boyfriend namely, Vikash Kumar. She has further stated that after 14.02.2024, she has not met her. From perusal of the *post-mortem* report, it is clear that the cause of death was due to gunshot injury. The number from which the deceased has received call is being used by petitioner namely, Vikash Kumar. In this case, Vikash Kumar has also given his confessional statement. It is further submitted that the petitioner namely Vikash Kumar is languishing in judicial custody since 02.03.2024 and petitioner namely Pawan Kumar is languishing in judicial custody since 17.05.2024.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, **this court is not inclined to enlarge the petitioner namely, Vikash Kumar on bail.**



7. As far as petitioner namely, Pawan Kumar alias Chandan Kumar is concerned, his name has surfaced in confessional statement of Vikash Kumar, **there is nothing except the confessional statement of Vikash against petitioner Pawan Kumar as such his petition for bail is allowed.** The above named petitioner is directed to be released on bail in connection with Gaya Muffasil P.S. Case No. 142 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya.

8. Petitioner namely, Vikash Kumar is at liberty to renew his prayer for bail after six months.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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