

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74440 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- BHAWANIPUR District- Purnia

Vishal Roy @ Vikash Roy @ Vikash, aged about 22 years, Male, S/o
Surendra Ray @ Surender Ray, R/o Village- Kadwa Basa, Ward No. 11, P.S.-
Baliya O.P. Bhawanipur, District- Purnia

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. N. K. Agarwal, Sr. Advocate and Mr. Ganesh
Prasad Singh, Advocate

For the Opposite Party : Mr. Akshay Lal Pandit, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 22-03-2025 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bhawanipur P.S. Case No. 112 of 2024 dated 04.06.2024
registered for the offences punishable under Sections 302, 120B
read with Section 34 of the I.P.C. and Section 27 of the Arms
Act.

3. As per the prosecution case, two unknown persons
came to the paint shop of the informant's elder brother on a
black colour splendor motorcycle and fired on him due to which
he received firearms injury. He was brought to Health Centre,
Bhagwanipur and from where he was referred to Purnea where



the doctor has declared him to be dead.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the F.I.R. has been lodged against two unknown persons. It is further submitted that the informant is not an eye witness to the alleged offence. He came at the place of occurrence after hearing the sound of firing but he may be described the alleged offence being hearsay from the staff of the shop and he has alleged without taking name of any person that the deceased had land dispute with many persons who had got registered his land by making fraud. The petitioner is neither named in the F.I.R. nor he has any land dispute with the deceased but during the course of investigation, he has falsely been made accused by the police in the present case on the basis of the confessional statement of the co-accused Sanjay Kumar Bhagat as well as the petitioner. It is further submitted that during the course of investigation, no witness has raised suspicion against the petitioner. It is further submitted that the alleged occurrence took place on 02.06.2024 at 10.15 A.M. and at that time the petitioner was present at Barneshwar Asthan Temple, Barahar Kothi, Purnea, which was about 25 K.M. from the place of occurrence and also at 9.30 A.M. he was



present at Barneshwar Ashtan Petrol Pump which is evident from CCTV footage of both places but police arrested him on 18.06.2024 from his house. The alleged occurrence took place on 02.06.2024 as to when the F.I.R. has been lodged on 04.06.2024 with flimsy ground that he was engaged in cremation of dead body of his brother. It is further submitted that the informant has narrated the allegation on the basis of the information given by the staff of the shop and CCTV footage of the shop but police has not found the petitioner in the CCTV footage though he found two unknown miscreants. The witnesses, during the course of investigation, have made suspicion that there was land dispute between the deceased and the co-accused Sanjay Kumar Bhagat @ Sanjay Broker. The police arrested the said co-accused Sanjay Kumar Bhagat @ Sanjay Broker and in his confessional statement he has said that the co-accused Raj Kumar @ Raja Kumar and this petitioner were helping getting possession of his purchased land which was protested by the deceased but he has not said that this petitioner has committed murder of the deceased. He was not put on T.I. Parade. Except extra judicial confessional statement of the co-accused persons as well as the confessional statement of the petitioner, there is no other substantive evidence to



suggest the implication of the petitioner in the present case. No incriminating article has been recovered from his possession. He has no concern with the alleged offence. The other co-accused person, Sanjay Kumar Bhagat, has already been granted bail by a Bench of this Court vide Cr. Misc. No. 69649 of 2024 under order dated 15.02.2025. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 26.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that on the basis of the disclosure made by the co-accused Vikash Kumar Yadav, the motorcycle in question bearing Registration No. BR11BA-9207 was recovered. It is further submitted that the co-accused Vikash Yadav and Brajesh Yadav in their disclosure which is available in paragraphs nos. 58 and 59-65 of the case diary have stated that the co-accused Sanjay Kumar Bhagat hired the accused persons to commit the murder of the deceased then they including the petitioner committed murder of the deceased by firearms.

6. Considering the aforesaid facts and circumstances of the case as well as the finding substance in the contention of the learned A.P.P. for the State, this Court is not inclined to grant



bail to the petitioner and the same is rejected in connection with
Bhawanipur P.S. Case No. 112 of 2024, pending in the court of
learned C.J.M., Purnea.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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