

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77757 of 2024

Arising Out of PS. Case No.-194 Year-2020 Thana- SAMASTIPUR District- Samastipur

Vikas Patel @ Vikash Kumar @ Vikash Yadav @ Vikas Yadav @ Vikas Kumar Rai
S/O Suresh Ray @ Suresh Rai @Suresh Roy R/O Village - Rahimpur Rudauli, P.S
Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Singh, Advocate Mr. Kislay Ray, Advocate Mr. Kumar Gaurav, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 28-02-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Shri. Chandra Bhushan Prasad.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 506, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.
3. In compliance of the order dated 7-2-2025, Sunil Kumar, Chandra Bhushan Kumar and Ashutosh Kumar are present in the Court.
4. The learned counsel appearing on behalf of the petitioner submits that the informant in the FIR had implicated Vikash Yadav, son of unknown, but then police during the course of investigation arrested the petitioner, whose name is Vikash Kumar @ Vikas Patel, son of Suresh Ray. It is submitted that the police, in order to save the real culprit, i.e., Vikash Yadav, falsely implicated the petitioner in the instant case. It is



next submitted that the informant of the instant case on 28-2-2024 had filed an application before the learned C.J.M, Samastipur, in connection with Samastipur Town PS Case No. 194 of 2020, stating therein that she had named Vikash Yadav, son of Muneshwar Rai, as an accused in the instant case and not Vikash Kumar @ Vikas Patel, son of Suresh Ray, as an accused in the present case. It is further submitted that the informant of the case had also moved before this Court by filing Cr.W.J.C No. 489 of 2021, in which she had impleaded one Vikash Yadav, son of Ramchandra Rai, resident of village-Bande, Rahimpur, PS-Mufassil, District-Samastipur, as Respondent No. 14. It is next submitted that the aforesaid Cr.W.J.C no. 489 of 2021 emanated from Samastipur Town PS Case No. 194 of 2020, i.e., the instant case.

5. The learned counsel for the petitioner next submits that the informant, before the learned C.J.M, had filed a petition stating that she had named Vikash Yadav, son of Muneshwar Rai, while in Cr.W.J.C No. 489 of 2021, she had impleaded one Vikash Yadav, son of Ramchandra Rai, as Respondent No. 14, but then it is submitted that the informant neither before the learned C.J.M nor before this Court even remotely suggested about the petitioner.



6. The learned counsel for the petitioner next submits that the case was earlier taken up on 7-2-2025, when the SHO and the Investigating Officer of the case were present in the Court, who disclosed that they have recently joined and the case was initially investigated by Sunil Kumar and Chandra Bhushan Kumar. They further submitted that Sunil Kumar presently is posted as an Inspector within the district of Patna and Chandra Bhushan Kumar is posted as Sub-inspector with Mufassil Police Station at Samastipur, further at the relevant time, when the petitioner was arrested, the SHO of Samastipur Town P.S was Ashutosh Kumar, thus they had submitted that they were not involved in the investigation of the instant case, as such the aforesaid three officials were required to remain present before this Court by order dated 7-2-2025.

7. The aforesaid three officers are present in the Court and they are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner, but Sunil Kumar, who had initially investigated the case, submits that the name of the petitioner transpired based on the confessional statement of apprehended accused in police custody and the same was also confirmed from the CCTV footage, on which the learned counsel appearing on behalf of the petitioner submits



that CCTV footage of the occurrence is present but then the petitioner is not in the CCTV footage.

8. On query of the Court from Sunil Kumar, that as to whether it was this petitioner, who was identified in the CCTV footage, he fairly submits that from the CCTV footage, it was difficult to identify the accused person as they were masked, but then submits that based on confessional statement of apprehended accused, the petitioner was arrested, on which the learned counsel appearing on behalf of the petitioner submits that the police first took out the CCTV footage and thereafter recorded the confessional statement of apprehended accused and tried to connect the petitioner with the offence with the view to save the real culprit, but then it is also submitted that during the course of investigation also, no material has transpired connecting the petitioner with the offence moreso when informant of the case herself before the learned CJM and this Court had clearly pleaded and stated that she had not implicated the instant petitioner in the case as recorded hereinabove.

9. It is next by learned counsel for the petitioner that no doubt the son of the informant was killed, but then an innocent person should not be allowed to remain behind bars based on a lackadaisical investigation carried out by the police.



It is also submitted that petitioner will not abscond if the privilege of bail is granted to the petitioner rather will cooperate in the trial to prove his innocence.

10. The learned APP is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner.

11. Considering the submission made by learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Samastipur (Town) P.S. Case No. 194 of 2020.

12. It is made clear that if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.

13. The personal appearance of Sunil Kumar, Chandra Bhushan Kumar and Ashutosh Kumar is dispensed with.

(Satyavrat Verma, J)

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