

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77254 of 2024

Arising Out of PS. Case No.-785 Year-2024 Thana- PHULWARISHARIF District- Patna

Chotu Malik @ Sanni Kumar Son of Ashok Ray Resident of Village/Mohalla-
Ward no. 09, Chhitnawa, Near Chhoti Pul, Chhitnawan, P.S.- Maner, Distt.-
Patna

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-01-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.

2. This application, for grant of anticipatory bail,
arises out of Phulwari Sharif P.S. Case No. 785 of 2024,
disclosing offences punishable under Section 406, 420, 120(B),
302/34 and Section 27 of Arms Act.

3. As per the First Information Report, on 04.06.2024
in the evening, while the son of the informant namely Vikas
Kumar was at home, he received a call on mobile. One Sanoj
Kumar had called him for negotiation of land for which the
informant's son had paid a sum of Rs. 10,00,000 to the cousin of
Sanoj Kumar namely Suraj Kumar. At 8:30 P.M, when the wife
of Vikas Kumar called on his mobile, he told that he was with



Sanoj Kumar, Abhishek Kumar and his friends. Again at 9 P.M when his wife called, his mobile was switched off. On search, at about 3 A.M, in the intervening night of 04.06.2024, the police was informed and at 5 A.M information was received that Vikas Kumar has been murdered and his dead body was found in Dhibra Chambar and at some distance Apachi motorcyle of Vikas Kumar was standing.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been made accused on the basis of confessional statement of co-accused Priyansh Raj Singh which was recorded during the course of investigation. The petitioner is not named in the FIR. The transaction of money regarding land had taken place between Suraj Kumar and Vikas Kumar. Except the confessional statement, there is no material before the police to connect the petitioner with the alleged offence.

5. Learned Counsel for the State opposes the prayer of bail and submits that the name of petitioner has transpired in the case diary. He further submits that in para-115 of the case diary, it has come that the petitioner had provided bullet and the fire arm to the shooters who were hired by the named accused persons.



6. Regard being had to the submissions made on behalf of the parties and taking into consideration the gravity of offence and material arrived at para-115 of case diary and the confessional statement of the co-accused which may be the basis for further investigation against the petitioner for which custodial interrogation of the petitioner may be necessary, I am not inclined to exercise my discretion for grant of anticipatory bail.

6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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