

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2080 of 2025

Arising Out of PS. Case No.-333 Year-2022 Thana- GOPALPUR District- Patna

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Kumar Vishu @ Vishu Kumar @ Vishju Kumar S/O Munna Yadav R/O Shree
Parmanand Yadav, R/O Kumhrar Nayatola Gherapar, P.S- Agamkuan, Dist-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Narayan Singh, Advocate
		Mr. Suraj Kumar Tiwari, Advocate
For the Informant	:	Mr. Anirudh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 14-05-2025 Heard Mr. Shambhu Singh, the learned counsel appearing

on behalf of the petitioner, Mr. Anirudh Kumar Singh, the learned
counsel for the Informant and Mr. Ram Sevak Choudhary, the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Gopalpur P.S. Case No. 333 of 2022, registered for the offences
punishable under Sections 302, 394 and 34 of the Indian Penal Code.
Petitioner has clean antecedent.

3. As per the prosecution story, the son of the informant,
namely, Ritik Kumar had gone out for his personal work. When
his son did not return till late evening, the informant tried to
contact him but his phone was found to be switched of.
Subsequently, the informant got information that a dead body was
recovered and when the informant saw the dead body, the
informant identified the body of his son which, was sent for



postmortem. It has been alleged by the informant that the friend of his son, namely, Shudhanshu Kumar and Rupam Kumar had assaulted his son and snatched his mobile phone and had also threatened to kill his son.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. He further submits that petitioner has not been named in the FIR and his name has surfaced after 26 months of the said occurrence. The learned counsel has further pointed out that during investigation, it has been stated that in a CCTV footage, the police has observed that the petitioner was seen along with the deceased Ritik Kumar on a motorcycle. The learned counsel has also stated that even after the CCTV being recovered on 21.07.2023, the warrant of arrest was sought 14 months thereafter. The learned counsel has also pointed out that even from the statement made by the police in the case diary, it seems that the name of the petitioner has not been stated with conviction rather it has been presumed that the person sitting on the bike was the petitioner. The learned counsel for the petitioner has also stated that the two named accused person had been exonerated and final form has been submitted against them and the petitioner has falsely been implicated in this case at the behest of the actual culprits. It has lastly been submitted that the petitioner had surrendered in the Court below on



20.09.2024 and since then he is in custody.

5. Learned counsel for the Informant as well as the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that from perusal of the statement of the spy, as contained in para 52 of the case diary, it would be evident that there is specific allegation of assault upon the petitioner to have killed the son of the informant. It has also been pointed out that the petitioner was seen in the CCTV footage along with the deceased on the fateful day and hence, the petitioner does not deserve the liberty of bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account the fact that the name of the petitioner surfaced after more than 26 months of the date of occurrence and also the fact that CCTV footage does not conclusively points towards the guilt of the petitioner and the petitioner being in custody since 20.09.2024, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Judicial Magistrate 1st Class, Patna, in connection with Gopalpur P.S. Case No. 333 of 2022, subject to the following



conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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