

(2021) 01 PAT CK 0241

Patna High Court

Case No: Criminal Miscellaneous No. 32994 Of 2020

Vikash Kumar @ Bittu

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Jan. 28, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 302, 364, 504

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Ajay Kumar Thakur, Pushpendra Kumar Singh, Sanjay Kumar Sharma

Final Decision: Dismissed

Judgement

1. The matter has been heard via video conferencing.

2. Heard Mr. Ajay Kumar Thakur, learned counsel along with Mr. Pushpendra Kumar Singh, learned counsel for the petitioner and Mr. Sanjay

Kumar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.

3. The petitioner is in custody in connection with Kudhni (Turki OP) PS Case No. 543 of 2018 dated 30.10.2018, instituted under Sections 364/504/34

of the Indian Penal Code to which later on Section 302 of the Indian Penal Code was also added.

4. The allegation against the petitioner is that he along with others had abused Sachin Kumar @ Munna, brother of the informant and had also fired and abducted him on a Wagon-R vehicle.

5. Learned counsel for the petitioner submitted that he is innocent and has been falsely implicated. It was contended that the informant is not an eye-

witness of the occurrence. Learned counsel submitted that there was dispute relating to transaction of money between the deceased brother of the informant and co-accused Chandan Kumar and the petitioner has no concern with either of them. It was further submitted that there is no specific allegation of firing or forcibly putting the deceased in the vehicle against the petitioner and rather it is general and omnibus. Learned counsel submitted that the petitioner has not given any confessional statement and the police had obtained his signature on a blank paper. It was further submitted that the petitioner is in custody since 02.03.2020 and co-accused Abhimanyu Kumar Singh @ Abhimanyu Kumar @ Abhimanyu Singh @ Monu Singh, having similar allegation, has been granted bail by a co-ordinate Bench on 19.03.2020 in Cr. Misc. No. 74825 of 2019.

6. Learned APP submitted that against the petitioner there are five other cases pending under serious sections of the Indian Penal Code; The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; Arms Act and the Bihar Prohibition and Excise Act, 2016. He submitted that though plea has been taken with regard to co-accused Abhimanyu Kumar Singh @ Abhimanyu Kumar @ Ambhimanyu Singh @ Monu Singh being granted bail, but the said accused had no criminal antecedent. It was contended that during investigation, the petitioner has also confessed to his crime and co-accused Rajiv Kumar has narrated the entire occurrence and complicity of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not feel inclined to grant bail to the petitioner.

8. Accordingly, the application stands dismissed.