

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49176 of 2024**

Arising Out of PS. Case No.-773 Year-2023 Thana- GOPALPUR District- Patna

=====

Vishal Kumar Son of Sri Om Paswan R/O Kila Road, Kaimasikoh, P.S.-
Chowk, Patna City, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Mohammad Sufyan

=====

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 03-09-2024

1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.

2. The petitioner seeks regular bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code & Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is in custody since 05.01.2024. It is next submitted that the petitioner has been falsely implicated in the instant case by the informant based on general and omnibus allegation. It is further submitted that the wife of the informant was killed and thus based on surmises and conjecture, alleges that the named accused persons in the F.I.R. were involved in the occurrence. It is further



submitted that the informant in the FIR has alleged that his wife was a health worker associated with P.H.C Pandarak and the named accused persons in the F.I.R. were extorting lakhs of money from her and had threatened that in the event if money is not given then she would be killed.

4. The learned counsel appearing on behalf of the petitioner submits that from perusal of the allegation, as alleged in the F.I.R., it would manifest that the same is cryptic, vague and lacs in essential detail. It is also submitted that that it absolutely does not stand to reason that the wife of the petitioner, who was a health worker, associated with PHC, Pandarak, would have given lakhs of money in extortion to the accused persons. It is next submitted that the F.I.R. does not even remotely suggest that as to why the wife of the petitioner was being blackmailed by the named accused persons in the F.I.R., which casts an aspersion on the case of prosecution. It is further submitted that one Murari Prasad, husband of Geeta Devi had given some amount to the deceased for purchasing land and the said amount was siphoned off and sale deed was also not executed, as such, Murari Prasad was asking the deceased to return back his money. It is next submitted that thereafter the occurrence took place and as such the informant



took the same as an opportunity to implicate his wife Geeta Devi in the case along with four other named accused persons. It is also submitted that informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion and the petitioner has remained in custody for more than 7 months and charge sheet has been submitted, as such, no useful purpose would be served by keeping the petitioner in jail. It is also submitted that petitioner is not named in the F.I.R.

5. Learned counsel appearing on behalf of the informant opposes the bail application of the petitioner and submits that the anticipatory bail application of co-accused Pramod Kumar, Jitendra Prasad and Murari Prasad has been rejected by this court but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the said accused persons were named in the F.I.R. but the petitioner is not named in the F.I.R., further, their anticipatory bail application was rejected and the petitioner in the instant case is seeking regular bail. It is also submitted that petitioner came to be implicated in the instant case based on the investigation of the CDR on which the learned counsel for the petitioner submits that the same would be contested in the trial as charge sheet has been submitted.



6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Patna City, Patna in connection with Gopalpur P.S. Case No.773/2023.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

