

**In the Court of Addl. Sessions Judge- I**

**Vaishali at Hajipur,**

**STR No.- 492/2021**

**Ref :-** Arising out of Vaishali P.S.Case No.- 71/2019, Dated- 17.02.2019, U/s 394/302 of IPC and 27 of Arms Act.

**In the matter of :-**

State

Vs

Vivek Kumar, Age- 29 years, Son of Govind Prasad Singh, R/o Village- Dayalpur Tara,  
P.S- Rajapakar, District-Vaishali

.....**Petitioner**

**Present:-**

Udaywant Kumar  
Addl. Sessions Judge-I  
Vaishali at Hajipur.

**Learned Counsel for petitioner :-** Shree Kumar Mangalam, Advocate

**Learned Counsel for Opp. Party :-** Ms. Bibi Mallika, APP

**Date of order :-** 05.04.2022

**Order**

The petitioner above named is serving judicial custody since 02.07.2021 in connection with aforesaid case and hence instant petition for the grant of regular bail has been filed on his behalf. The copy of the petition has been served upon learned additional public prosecutor.

The prosecution case is that on 17<sup>th</sup> February 2019 at about 04:00 PM in the evening the father of informant proceeded for his home from his goldsmith shop situating at Mangal chowk, Dilawarpur along with the ornaments of Rs. 3 Lakhs. It is alleged that at about 05:00 PM in the evening the informant received information over his mobile that his father has been murdered by shooting him down at "Hasanpur more" and the ornaments so being carried by him were looted away. The further prosecution case is that upon going there the informant found his father lying in the pool of blood and there was gunshot injury at his right temple. It is at last alleged that his father has been murdered

in course of looting away the ornaments so being carried by him. Accordingly, with the said allegation FIR has been instituted.

Learned counsel for petitioner submitted that petitioner is innocent and he has committed no offence whatsoever as alleged. It is further submitted that nothing has been recovered from the conscious possession of petitioner and he has unreasonably been implicated into instant case on account of persons inimical to him in the village politics. The learned counsel further submitted that no TIP has been performed on this petitioner and as such the identification remains elusive. It is even further submitted that FIR has been instituted against unknown persons and this petitioner has been implicated into instant case by obtaining his forcible confession in the matter of Vaishali PS Case no. 78/2019. It is at last submitted that respectable persons of the locality and sound sureties are ready to stand as bailors for the petitioner and hence it is prayed that petitioner be allowed regular bail.

Learned Additional Public Prosecutor opposed the prayer for bail.

Heard the parties and perused the record. The allegation against petitioner is of committing murder of the father of informant in course of looting away the gold and silver ornaments of the value of Rs. 3 Lakhs so being carried by him in course of his journey back to home. The FIR was initially instituted against unknown persons but subsequently the involvement of petitioner surfaced into matter on the disclosure made by the petitioner himself in his confessional statement so recorded in connection with Vaishali PS Case no. 78/2019. On the perusal of record it transpires that police has submitted charge sheet bearing CS no. 342/2021, dated 31.07.2021 u/s 394/302 of IPC and 27 of Arms Act against petitioner and upon commitment of the matter the charge against petitioner stands framed vide order dated 28<sup>th</sup> February 2022. On the perusal of

case diary it transpires that post-mortem report of deceased is mentioned there in para 39 of the case diary wherein his death has been opined to have been caused by fire arms. The learned counsel for petitioner has conceded in para 3 of the bail petition that petitioner stands accused in 4 other cases since earlier. He is stated to be accused in (i) Vaishali PS Case no. 78/2019, u/s 25(1-b), 26, 35 of Arms Act, (ii) Vaishali PS Case no. 214/2018, u/s 393/307 of IPC and 27 of Arms Act, (iii) Vaishali PS Case no. 82/2019, u/s 397/398 of IPC and 27 of Arms Act, (iv) Vaishali PS Case no. 188/2021, u/s 413/414 of IPC. Considering the nature of allegation, long criminal antecedent of petitioner, gravity of offence and other facts and circumstance discussed above this court is not inclined to admit the petitioner to regular bail and hence the petition so filed on his behalf is hereby rejected.

Addl. Sessions Judge-I  
Vaishali at Hajipur.  
05.04.2022