

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38315 of 2015

Arising Out of PS.Case No. -10 Year- 2010 Thana -NAUGACHIA District- BHAGALPUR

1. Vijay Kumar Singh @ Chhotu Singh S/o late Nandan Singh@Rajeshwar Prasad Singh R/o Village- Pakra, p.s Naugachia, district Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-09-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case is that the accused persons including the petitioner came and took the nephew of the informant namely Rakesh to the house of Ashok Sharma, Up-Mukhia. Subsequently, six-seven persons who were called at the behest of the petitioner and Lalan Singh, resorted to indiscriminate firing, as a result of which nephew of the informant was killed.



It is submitted by the learned counsel for the petitioner that on conclusion of investigation the petitioner was not sent up for trial and final form was submitted on 30.7.2013 but differing with the final form the learned ACJM, Naugachia vide order dated 30.8.2013 took cognizance against the petitioner also. It is further submitted that the informant subsequently retracted from the initial version and co accused Ram Chandra Roy has been acquitted vide judgment dated 28th March, 2014 passed in S.T. No. 471 of 2011 by the learned Adhoc Additional District and Sessions Judge, Naugachhia since the informant has not supported the accusation to the extent that he could not see any one firing at Rakesh. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Naugachia in connection with Naugachia P.S. Case No.10

of 2010 subject to the conditions as laid down under
Section 438(2) Cr.P.C.

The learned court below shall be at liberty to
cancel the bail bonds of the petitioner in case the petitioner
defaults without any reasonable cause on three consecutive
occasions.

(Dinesh Kumar Singh, J)

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