

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15741 of 2017

Arising Out of PS.Case No. -323 Year- 2014 Thana -MEERGANJ District- GOPALGANJ

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Vivek Singh, Son of Byash Singh, Resident of village - Bhore (Dachhin
Tola), Police Station Bhore, District - Gopalganj

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 12-04-2017 Heard Sri Raghav Prasad, learned counsel for the

petitioner and Sri Madan Kumar, learned Addl. Public

Prosecutor.

This is the second attempt for grant of bail on
behalf of the petitioner in Mirganj P.S. Case No.323/14
(Corresponding to S.Tr.No.65/17) registered for the offence
under Section 392 of the Indian Penal Code, later on Section 395
of the Indian Penal Code was added. Earlier, the prayer for bail of
the petitioner was rejected. However, learned counsel for the
petitioner has drawn my attention to Annexure-3 to the petition
i.e. copy of complaint petition vide Complaint Case
No.2541/2014 which, according to the petitioner, was filed by his
father , namely, Sri Byash Singh against the Officer Incharge as



well as five constables of Bhore Police Station. This complaint petition was filed on 08.09.2014 and only after filing of such complaint petition, the petitioner and his family are being victimized by Bhore Police. Though the present case was lodged against unknown, the petitioner was implicated on the basis of confessional statement of co-accused. Normally, in a bail petition, once the prayer for bail was rejected, this Court is not entertaining the case on merit, but since a submission was made by learned counsel for the petitioner that earlier complaint petition filed by father of the petitioner was not brought on record, this Court was persuaded to re-hear the matter on merit. While rejecting the prayer for bail of the petitioner, this Court had considered that the petitioner was accused in number of cases as disclosed in paragraph-3 of the earlier bail petition. However, learned counsel for the petitioner submits that all such cases were instituted subsequent to filing of the complaint case by father of the petitioner. He further reiterates that in this case at least three accused were extended the privilege of anticipatory bail.

In view of facts and circumstances, let the petitioner, namely, Vivek Singh 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 learned Sessions Judge,



Gopalganj in S.Tr.No.65/17 arising out of Mirganj P.S.Case
No.323/14.

(Rakesh Kumar, J)

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