

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1473 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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Vijay Singh, S/o Late Ramadhar Singh, resident of Village- Sisahani, P.S.-
Pakaridayal, District- East Champaran.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPL PP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 Appellant is in custody since 20.02.2017.

The appellant seeks bail in connection with Pakaridyal
P.S. Case No. 7/2017 registered for offences punishable under
sections 302, 326, 307, 458, 120B of the I.P.C., 27 of the Arms
Act and 3(2)(v)A SC/ST (POA) Act.

Allegation against the appellant is that when the
informant was discharging his business transaction with his
business partner at Jaishwal Trading Company and his son and
other people were also sitting there. In the meantime four persons
riding with two motorcycle came in front of his shop and resorted
to indiscriminate firing from A.K- 47 which caused fire arm injury
to Chuman Prasad son of informant, Manoj Kumar, Subodh
Paswan and Radheshyam, out of which Chuman Prasad and



Subodh Paswan was declared dead by doctor and Manoj Kumar was dead during course of treatment and other is getting treatment.

It has been submitted by learned counsel for the appellant that appellant has not been named in the F.I.R, his name surfaced in this case during the course of investigation and that too only on the basis of suspicion. It has further been submitted that there is no eye-witness of the alleged occurrence and nothing has been recovered from the possession of the appellant and uptil now he has not been put on T.I.P. Further, appellant has no criminal antecedent and has remained in judicial custody for more than four months.

Learned Special P.P. also could not controvert the above submission of learned counsel for the appellant.

Having heard both sides, considering the facts and circumstances, this appeal is allowed, let appellant above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-Cum-Special Judge, SC/ST(POA) East Champaran at Motihari, subject to the following condition:-

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the



jurisdiction of the concerned Court.

(ii) The appellant will not induce any witness or tamper with the evidence.

(iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the Court and on the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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