

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51776 of 2018

Arising Out of PS.Case No. -7 Year- 2018 Thana -SAMHO District- BEGUSARAI

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Vikas Kumar @ Vikas Singh, S/o Suresh Singh, R/o Vill.- Kanharpur, P.S.-
Pipariya, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner as also

learned counsel for the informant. No one appears for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Samho P.S. Case No. 7 of 2018, registered
for offences alleged under Section 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that a
bare perusal of the FIR would show that there is no allegation of
firing against the petitioner. It is alleged that he was along with
other co-accused persons and after the firing was done by one
Hemant Choudhary @ Bhulla, he asked the co-accused to proceed
as the work was done. Learned counsel submits that it is a case of
false implication and the fact that there is no allegation of firing



against the petitioner clearly shows that he has only been added as accused.

On the other hand, learned counsel for the informant has vehemently argued that this petitioner was one of the members of the mob and even though he had not fired, but he had participated in the alleged occurrence.

In the given facts and circumstances of the case where this Court finds that there is no allegation of firing against this petitioner and no overt act has been committed by him, in the opinion of this Court, the petitioner may be released on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Begusarai in connection with Samho P.S. Case No. 7 of 2018, subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

Arvind/-

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