

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16733 of 2019

Arising Out of PS. Case No.-218 Year-2017 Thana- KHAIRA District- Saran

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VIKASH KUMAR RAY @ VIKASH RAI, Son of Siyaram Rai @ Siyaram Ray, Resident of Village- Amnour Aguwan, Police Station- Amnour, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-03-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 307 and 324/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Niraj Kumar recorded by Ram Bahadur Ram, S.I. of Khaira P.S. on 08.09.2017 at about 11.30 A.M. in the I.C.U. ward of Rainbow Emergency and Trauma Hospital, Patna is to the effect that on 01.09.2017 at about 05.30 A.M., the informant along with one Kumod Singh went for morning walk while returning at about



06.20 A.M., two accused persons on one motorcycle came and the pillion driver fired at the informant which hit on his head. On chase being made, helmet of the pillion driver fell down, as a result, he was identified as co-accused, Rana Ajit Singh. Thereafter, the accused persons again fired on the informant which hit on his chest. It is further alleged that when Kumod Singh tried to flee away from the scene, the accused persons also fired on Kumod Singh, which hit on his temporal region. When nearby people came to rescue, all the accused persons managed to escape from the scene. The name of the petitioner sprang up on the confessional statement of co-accused, Rana Ajit Singh.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR and his name sprang up only on the basis of confessional statement of the co-accused Rana Ajit Singh. It is further submitted that the co-accused in his confessional statement only disclosed that the petitioner can disclose the name of another assailants. It is further submitted that co-accused Rana Ajit Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 23.05.2018 passed in Cr. Misc. No.22230 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

It is submitted by learned APP for the State that the name of the petitioner sprang up on the confessional statement of the co-accused who was identified on the spot.

Considering the fact that the name of the petitioner sprang up only on the basis of confessional statement of the co-accused coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 12 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 the learned **Additional Session Judge-X, Saran at Chapra** in connection with **Khaira P.S. Case No.218 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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