

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46195 of 2019

Arising Out of PS Case No.-18 Year-2017 Thana- DARAUNDA District- Siwan

Vikash Kumar Singh @ Vikash Singh, aged about 28 years (Male), Son of
Dinesh Singh, Resident of Village - Dibbi, P.S.- M.H. Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Nath Dubey and Mr. Punam Kumari, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 11-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Daraunda
PS Case No. 18 of 2017 dated 07.02.2017 instituted under
Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

3. The allegation against the petitioner and six others is
of general firing on the deceased and also on one of the injured.

4. Learned counsel for the petitioner submitted that he
has been named due to village politics at the instance of the local
politician with whom the informant and others were going for a
meeting. It was submitted that during investigation, except for
the restatement and one witness stating that he was told about the



involvement of the petitioner, no other witness has taken his name. Learned counsel submitted that in the trial, eight witnesses, including the informant, have been examined but nobody has taken the name of the petitioner. It was submitted that the petitioner has no criminal antecedent. He submitted that the petitioner is in custody since 10.03.2017.

5. Learned APP, from the case diary, submitted that the informant had taken the name of the petitioner, both in the FIR and in the restatement. However, with regard to him not deposing against the petitioner in the trial, learned APP was not in a position to controvert the same. Further, he also did not controvert the submission of learned counsel for the petitioner that no other witness has stated with regard to involvement of the petitioner.

6. Earlier, the Court had called for a report from the Court below with regard to the position of the case and the likely period by which it can be concluded. Pursuant thereto, letter dated 29.08.2019 has been received from the 7th Additional District and Sessions Judge, Siwan in which he had stated that out of 11 prosecution witnesses plus the doctor and the IO, only 11 had been examined and he has informed that he would try to conclude the case within nine months.



7. Learned counsel for the petitioner submitted that the same situation exists even today.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Siwan in Daraunda P.S. Case No. 18 of 2017, with the condition that he shall cooperate in the trial and be present on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

9. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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