

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4402 of 2019**

Arising Out of PS. Case No.-337 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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Vikash Singh Vinod Kumar Singh Resident of Ward No. 31, Near Dr. C.L.
Jha, New Agarwa, Police Station-Town, District-Motihari, permanently r/o
village Bhawanipur, P.S. Sangrampur, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv & Mr. Priyesh Kumar, Adv
For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 07-03-2019 Heard learned counsel for the parties.

Learned counsel for the petitioner prays for and is
allowed to correct the present address of the petitioner in the
cause title.

Petitioner seeks bail in **Bettiah Town P.S. Case No.
337 of 2017** registered for the offence punishable under Sections
302, 120B/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Informant who is Havildar in his written report



addressed to the SHO Bettiah Town Police Station has stated that on 11.05.2017 at about 11:00 am, when he had gone to present the under trial prisoner Babloo Dubey in the learned Additional Sessions Court then some unknown persons opened fire upon Babloo Dubey on account of which he fell down and died and thereafter the miscreants fled away. FIR is against unknown.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on mere suspicion. Petitioner is not named in the FIR. It has been submitted on behalf of the petitioner that the name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Vijay Yadav. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 08.11.2017 in Criminal Miscellaneous No. 42721 of 2017, 05.12.2017 in Criminal Miscellaneous No. 48022 of 2017, 14.12.2017 in Criminal Miscellaneous No. 59020 of 2017, 11.01.2018 in Criminal Miscellaneous No. 59682 of 2017, 08.05.2018 in Criminal Miscellaneous No. 15412 of 2018, 18.09.2018 in Criminal Miscellaneous No. 50779 of 2018 and 26.10.2018 in Criminal Miscellaneous No. 62985 of 2018. Petitioner is in custody since



28.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Bettiah Town P.S. Case No. 337 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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