

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60388 of 2019**

Arising Out of PS. Case No.-277 Year-2019 Thana- SUPAUL District- Supaul

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VIVEK KUMAR @ VIVEK KUMAR YADAV Son of Vijay Kumar Resident
of Mohalla - Lohiya Nagar (Ward No. 09), P.S.- Supaul, Distt - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mr.Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 307, 379, 427, 506, 34 of the
Indian Penal Code and Section 27 of the Arms Act registered in
connection with Supaul P.S. Case No. 277/2019.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of political rivalry. The petitioner is
said to have assaulted the informant with the butt of pistol and
fired upon him, but there is no injury report to corroborate such
accusation.

4. Learned APP on the other hand, invites reference to
the order of learned Sessions Judge in which several paragraphs
of case diary has been taken note of and it has been observed that
there is material in support of firearm injury to the informant
and Ajay Kumar. It is also stated that the petitioner is accused in
three prior cases.

5. Be that it may, in the event of petitioner's arrest or



surrender within four weeks hereof let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned CJM, Supaul in connection with Supaul P.S. Case No. 277/2019 subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

6. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no firearm injury has been sustained by the informant. In case any such injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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