

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.422 of 2020

Arising Out of PS. Case No.-106 Year-2019 Thana- GWALPARA District- Madhepura

VIBHUTI KUMAR, Son of Bhulo Yadav @ Bholo Yadav, Resident of Village
- Rajpur- Sarsandi, Ward No.6, P.S.- Gwalpara, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Adv.

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-05-2020 This has been posted before me for hearing through video-conferencing, under the orders of Hon'ble the Chief Justice, in view of Nation passing through lockdown as an aftermath of the outbreak of COVID-19 pandemic.

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

The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 342, 307, 34 of the Indian Penal Code as well as Section 27 of the Arms Act and on 02.07.2019 under Section 302 of the Indian Penal Code has been added.

Allegation against the petitioner is that he hit the informant's son-in-law by gun shot and during the treatment the victim died.



It has been submitted on behalf of the petitioner that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. The petitioner is not named in the FIR and he is in custody since 03.08.2019. The petitioner has no criminal history. It is submitted that no case u/s 302 of the Indian Penal Code is made out in the present case against the petitioner. There is no witness named in the FIR. The petitioner's name has come in the confessional statement of the co-accused Rupesh Kumar due to village politics. Charge sheet has been submitted in this case.

Learned APP for the State has opposed the prayer for bail petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each in connection with Gwalpara P.S. Case No. 106 of 2019 to the satisfaction of the learned J.M.-1st Class, Udakishunganj, District-Madhepura, subject to the following conditions:

- (1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar



offence till conclusion of the trial.

(3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) 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.

(Anjani Kumar Sharan, J)

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