

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8843 of 2020

Arising Out of PS. Case No.-261 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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VIVEK SINGH @ VIVEK KUMAR, aged about 22 years, Male, Son of
Sanjay Kumar Singh, Resident of Village - Rawal Bigha, P.S.- Muffasil,
District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Yogesh Chand Verma, Sr. Advocate and Mr. Santosh Kumar Pandey, Advocate.
For the Opposite Party	:	Mrs.Nirmala Kumari, A.P.P.
For the Informant	:	Mr. Ajit Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-08-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned senior counsel for the petitioner,
learned counsel for the informant and learned counsel for the
State.

The petitioner seeks bail in a case registered for the
offence under Sections 147, 148, 149, 341, 323, 504, 506, 302,
120(B) of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 06.09.2018
when the informant was celebrating the birthday of his son, in



the meantime, at about 4.48 P.M., a phone call was received by the brother of the informant (deceased) on his Mobile No. 6201560424 by Vicky Giri and Pappu Kumar. Thereafter, he came out from his house through the lane and when he reached near the house of Krishna Gupta, Vicky Giri and Pappu Kumar alongwith other accused restrained the deceased, namely, Sudhanshu Kumar @ Major alongwith five other named accused persons and began to abuse and assault the deceased. On hearing hue and cry, the informant and others went there and saw that Vicky Kumar and Arbind Singh caught hold the deceased and other accused persons were threatened to kill by bullet. In the meantime, Vivek Singh (petitioner) passes the pistol to co-accused Murari Singh and Murari Singh fired upon the deceased, as a result of which, he died.

Earlier the bail application of the petitioner was rejected vide Cr. Misc. No. 59368 of 2019 under order dated 16.11.2019 which was subsequently modified vide order dated 11.12.2019 passed in Cr. Misc. No. 59368 of 2019, with liberty to renew his prayer for bail after framing of charge.

In pursuance to the order dated 11.12.2019, passed in Cr. Misc. No. 59368 of 2019, the present application has been preferred.



A report was called for from the court below regarding the present stage of the case. It has been reported that the I.O. of the present case has not been examined.

It has been submitted by learned senior counsel for the petitioner that the petitioner is in custody since 19.07.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Neither there is any allegation of assault alleged against the petitioner nor any injury is said to have been caused by this petitioner. The main allegation is against co-accused, namely, Murari Singh, who is alleged to have fired upon the deceased.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of the learned Additional Sessions Judge-IX, Aurangabad, in connection with Aurangabad (Town) P.S. Case No. 261 of 2018.

Once the normalcy is restored, the petitioner shall



furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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