

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14281 of 2020**

Arising Out of PS Case No.-151 Year-2019 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Vikram Singh @ Vikram Kumar Singh, Male, aged about 20 years, Son of
Dablu Singh, Resident of Village- Dharmapur, P.S.- Mohiuddin Nagar,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the State : Mr. Binod Kumar, APP

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

ORAL JUDGMENT

Date : 15-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Bijay Bhushan Prasad, learned counsel for
the petitioner and Mr. Binod Kumar, learned Additional Public
Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with
Mohiuddin Nagar PS Case No. 151 of 2019 dated 05.08.2019
instituted under Sections 120B, 307/34, 341, 384, 386, 447, 504 of
the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner and two other
named persons is that the petitioner is said to have fired upon the
informant though missing him and of demand of extortion.



5. Learned counsel for the petitioner submitted that the story in the FIR is not believable for the reason that the informant is *ex-Mukhiya* and he has stated that 4-5 days earlier, the accused had come and demanded extortion and on the date of occurrence, the persons had come and had fired. Learned counsel submitted that with regard to demand of extortion earlier, no complaint or information has been given anywhere. It was further submitted that in the FIR, it has not been mentioned that empty cartridges were recovered and later, due to connivance of the police, it has been shown that three cartridges were found outside the house of the informant, even when the informant says that he had chased away the assailants. Leaned counsel submitted that the petitioner does not live in the village and, thus, was arrested, from another village where he resides with his wife, on 23.10.2019. It was submitted that the wife of the petitioner is the same caste as that of the informant whereas the petitioner belongs to a different caste due to which also he has been falsely implicated. Learned counsel submitted that there is no recovery from the petitioner, except for his own mobile phone. It was submitted that the petitioner has two other criminal cases against him, but one is with regard to scuffle he had with his father-in-law and the other is with regard to



property dispute in the village. It was submitted that independent witnesses have not supported the prosecution story.

6. Learned APP submitted that the petitioner is said to be the person who had fired. However, he did not dispute the fact that nobody was hit. It was submitted that the petitioner is named by the informant and had demanded extortion. However, he further could not controvert the fact that in the FIR, there is no mentioning with regard to any cartridges being found outside the house of the informant.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Samastipur in Mohiuddin Nagar PS Case No. 151 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his



bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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