

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15574 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- PASRAHA District- Khagaria

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Vijay Singh Son of Kenni Singh @ Kanik Singh Resident of Piparpaty, Police
Station- Pasraha, District- Khagaria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 302 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, when the informant, his father and other villagers were engaged in fishing, at about 6 pm petitioner along with eleven other accused persons named in the FIR, armed with weapon reached there by boat and opposed them. They abused the prosecution party and in the meantime, accused Sugan Yadav opened fire as a result of which informant's father received fire arm injury and fell down in the boat and died. Other accused persons also made indiscriminate firing.

Learned counsel for the petitioner submits that the



specific allegation of causing fatal injury to informant's father is on co-accused Sugan Yadav and there is general and omnibus allegation that the petitioner too made indiscriminate firing along with other accused persons in which admittedly no one received injury. Investigation is complete. Petitioner is in custody since 4.10.2020.

Considering the rival submissions of the parties, materials available on the record and the fact that specific allegation of causing fatal injury to informant's father is on co-accused Sugan Yadav and there is general and omnibus allegation that the petitioner too made indiscriminate firing along with other accused persons in which admittedly no one received injury, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist class, Khagaria in Pasraha Police Station Case No. 97 of 2020 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the



Court below.

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

(Prabhat Kumar Singh, J)

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