

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24444 of 2021**

Arising Out of PS. Case No.-26 Year-2020 Thana- MAHUA District- Vaishali

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VIVEK KUMAR @ VIVEK RAI @ BHAKO S/O HARENDRA RAI R/o
village- Hathsarganj Naka No. 3, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-11-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Mahua P.S. Case no.
26 of 2020 registered for the offence punishable under section
394 of the Indian Penal Code read with section 27 of the Arms
Act.

Learned counsel for the petitioner submits that
petitioner is in jail custody since 16.09.2020 and charge sheet
has been submitted. Learned counsel for the petitioner further
submits that from perusal of the allegation as alleged in the
FIR, it would manifest that the informant has alleged that he
was going to his village on the motorcycle, in the meantime,
three persons on a motorcycle came and stopped his motorcycle
and looted Rs 3500/-, Adhar card, Voter ID, assaulted him and



opened fire causing injury on his forehead. On hulla being raised, villagers came and he was brought to hospital.

Learned counsel for the petitioner next submits that name of the petitioner transpired in the present case in his own confessional statement as well as confessional statement of co-accused. He further submits that from perusal of the allegation as alleged in the FIR, it would manifest that three accused accosted the informant and looted him, thereafter fired upon him and since petitioner was apprehended, he ought to have been put on TI parade so that the informant could identify him.

Learned APP vehemently opposed the prayer for bail.

Considering the fact that petitioner is in jail since 16.09.2020, he has not been put on TI parade till date and charge sheet has been submitted, petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in Mahua P.S. Case no. 26 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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