

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30047 of 2021

Arising Out of PS. Case No.-376 Year-2018 Thana- GORAUL District- Vaishali

VIKRAM KUMAR @ VIKKY S/o Late Surendra Rai R/o village- Basti
Sareekam, P.S.- Goraul (O.P. Katahara), District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Rina Sinha, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-12-2021 Supplementary affidavit has been filed on behalf of the petitioner stating therein that earlier petitioner had moved for grant of anticipatory bail vide Cr. Misc. No. 64937 of 2019 but due to typographical error, the same has not been typed in paragraph no. 2 of main petition. Learned counsel further submits that in paragraph no. 13 it has also been wrongly mention as B.P. No. 1437 of 2020 instead of B.P. No. 171 of 2021.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Goraul (O.P.



Katahara) P.S. Case No. 376 of 2018 registered for the offences punishable under Sections 394, 302/34 of the I.P.C. and 27 of the Arms Act.

According to prosecution case, the informant was a salesman at Super Kisan Seva Kendra. On 30.11.2018 at 4:30 PM., four miscreants came on two motorcycles and demanded petrol worth Rs. 100/- each. During course of buying petrol, one of the miscreants on gun point tried to snatch the bag from nozzle man. On protest made by nozzle man, the miscreants fired two shots at Vinod Kumar resulting firearm injury on his chest and arm. The miscreants fled away with the bag. The injured was taken to hospital where doctor declared him dead.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Neither petitioner is named in the FIR nor any incriminating article has been recovered from his possession. Name of the petitioner has come in this case on the basis of confessional statement made by co-accused Pappu Kumar. Learned counsel further submits that due to family dispute, co-accused Pappu Kumar, who is brother-in-law of the petitioner, has given the name of the petitioner in the present case. It is further submitted that co-accused Pappu Kumar has



been granted bail by a co-ordinate Bench of this court vide order dated 04.09.2019 passed in Cr. Misc. No. 36241 of 2019. Petitioner is in custody since 12.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur in connection with Goraul (O.P. Katahara) P.S. Case No. 376 of 2018, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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