

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27898 of 2020

Arising Out of PS. Case No.-473 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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VIVEK KUMAR YADAV @ VIVEK KUMAR S/o Akosh Ray Resident of
Village-Sumera, P.S.-Kurhani, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-02-2021 Let the learned counsel for the petitioner remove the

defect(s), as pointed out by the office vide its notes dated

17.10.2020, within four weeks from today.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Sadar (Muzaffarpur) P.S. Case no. 473 of 2019, registered
under Sections 302 and 120(B)/34 of the Indian Penal Code.

The accusation is that at about 6.00 A.M, Md.
Alishan, brother of informant Md. Jani proceeded from house
boarding on Yamaha motorcycle and behind him, the informant
Md. Jani along with Abdul Salam were also moved from house.
When Md. Alisan, brother of informant, reached near the house
of Shiv Shankar Sah at village-Dumari, nine persons boarding



on four motorcycles reached there and surrounded his brother and started indiscriminate firing in which brother of informant sustained firearm injuries and fell down from the motorcycle. Out of nine accused-persons, the informant identified Prem Sah, Raja Babu Gupta and Amar Sah all resident of village-Sumera. The informant further claimed that other six criminals were young age to whom he can identify on seeing them again.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that informant, who is brother of deceased, is eye-witness of the occurrence and at the time of occurrence, out of nine criminals, he identified three accused persons named in the F.I.R. and he claimed to identify remaining six accused on seeing them again, but, informant in his re-statement, raised suspicion against the petitioner having hand in the murder of his brother, while petitioner is co-villager of informant. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar (Muzaffarpur) P.S. Case No. 473 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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