

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35953 of 2020**

Arising Out of PS. Case No.-264 Year-2018 Thana- TATARPUR District- Bhagalpur

Vikky Rajak @ Vinay Kumar S/o Naresh Rajak R/o Sahadat Hussain Lane, in
front of Kalkatiya Bidi Gudam, Tatarpur, P.S.- Tatarpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 08-04-2021 Heard both sides.

The petitioner apprehends his arrest in Tatarpur P.S.
Case No.264 of 2018 registered under Sections 147, 148, 149,
341, 323, 504 and 506 of the Indian Penal Code and under
Section 27 of the Arms Act.

The informant alleged that while he was returning to
his house along with his friend Niranjan Paswan and when he
reached near Marwari College, he came across with Sawan
Kumar and he was talking with him but in the meantime, Rahul
Goswami, Md. Shahrukh, Rohit Kumar, Amit Kumar, Vikky
Rajak(the petitioner) and 10-15 unknown persons came on
motorcycle and scooter. They started assaulting the informant
with wicket. They were armed with weapons. Rahul Goswami
took out pistol from his possession and asked him to sit on the



scooter. Somehow, the informant jumped out from the scooter and tried to flee away but during this process, the pistol accidentally fired causing injury on the thigh of Rahul Goswami.

The learned counsel for the petitioner submits that of course the petitioner is named in the F.I.R. but no allegation of assault is made against the petitioner. It was Rahul Goswami who asked the informant at the point of pistol to sit on the scooter and Rahul Goswami got injury due to accidental fire by his pistol. Rahul Goswami has already been enlarged on anticipatory bail by a Co-ordinate Bench of this Court vide order dated 07.05.2019 passed in Cr. Misc. No.19808 of 2019.

Having considered the facts aforesaid, I find that since Rahul Goswami, who is alleged to be armed with firearm and due to accidental fire he got firearm injury, has already been granted anticipatory bail, the petitioner also deserves anticipatory bail.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks 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 A.C.J.M. VII,



Bhagalpur or his successor in office in connection with Tatarpur
P.S. Case No.264 of 2018, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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