

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37743 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- BALIGAON District- Vaishali

Vijendra Kumar @ Vijindra Kumar @ Vijay Rai @ Bijindra Kumar, aged about 30 years, Gender-Male, son of Late Rajnikant Rai @ Rajnikant Ray, Resident of Village- Emadpur, Ward No- 06, Pastara, PS Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the State : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ravish Mishra, learned counsel for the petitioner and Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Baligaon PS Case No. 35 of 2020 dated 11.04.2020, instituted under Sections 341, 342, 307/34 and 120B of the Indian Penal Code and 27 of the Arms Act, 1959 (hereinafter referred to as the 'Act').

4. The allegation against the petitioner and others is of having fired at the informant, though specifically against the



petitioner is of firing but without having hit anyone and against co-accused Dharmendra Yadav, it is of firing on the informant which hit him in the underarm and hand.

5. Learned counsel for the petitioner submitted that besides there being general and vague allegation against the petitioner, the only allegation is that he had fired but without hitting anybody. It was submitted that it has not even been stated where or on whom the petitioner had fired. Learned counsel submitted that the FIR itself it is contradictory as in the first portion it is stated that two women Mina Devi and Rina Devi had also come on a motorcycle whereas in the later portion it has been stated that Mina Devi and Rina Devi had taken iron rod and knife from the house of Rajkumar Rai and were sitting there. It was submitted that co-accused Dharmendra Yadav against whom there is specific allegation of firing which has resulted in injury has been granted anticipatory bail by a co-ordinate Bench by order dated 10.12.2020 passed in Cr. Misc. No. 29704 of 2020. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the petitioner had also fired. However, it was not controverted that as per the FIR, no details of where the petitioner had fired or of any damage to property or person has been mentioned.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in Baligaon PS Case No. 35 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner and (iii) that the petitioner shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.



9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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