

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11097 of 2021**

Arising Out of PS. Case No.-471 Year-2018 Thana- NAUBATPUR District- Patna

VIJAY KUMAR SON OF SHIVBACHHAN SINGH Resident of Village -
Motipur, P.S.- Naubatpur, Dist.-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Patanjali Rishi, Ms Prerna Rishi, Advocate
For the Opposite Party/s :		Mr Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 08-07-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*) for the
State.

The petitioner seeks bail in Naubatpur Police
Station (for brevity, *PS*) Case No 471 of 2018 dated 01.10.2018
instituted for the offence punishable under Sections 302,
120B/34 of Indian Penal Code, 1860 and Section 27 of Arms
Act.

Petitioner's brother was alleged to be a loanee to
the informant's son. Based on such commercial relationship, it
is alleged that threats have been meted out to the informant's



son earlier. In that background, allegation has been made that while the informant's father was on his way, the petitioner, along with all his family members, have indiscriminately fired on him causing his death.

Learned counsel for the petitioner submits that, even from prosecution case, motive, whatsoever, has been assigned against the brother of the petitioner. The petitioner has no criminal antecedent. The prosecution case itself is to the effect that after the firing, informant had appeared at the scene. Hence there is no eye witness. Under such circumstances, petitioner is in custody since 16.09.2020 though other similarly situated co-accused (petitioner's brother) has already been allowed bail by this Court in Cr Misc No 3588 of 2020 by order dated 21.01.2020.

Learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Danapur, Patna in connection with Naubatpur PS Case No 471 of 2018 dated 01.10.2018 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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