

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19080 of 2021**

Arising Out of PS. Case No.-90 Year-2016 Thana- DULHIN BAZAR District- Patna

VISHWAJEET KUMAR @ VISHWAJEET YADAV @ RAKESH @ TEJU
YADAV S/o Virendra Yadav @ Birendra Singh R/o Village - Navada Pataria,
P.S. - Sahar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

10 11-01-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 395 and 397 of
the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, 5-6 accused persons on
two motorcycles stopped the vehicle of the informant and
started to assault the informant's driver saying as to why he had
overtaken them. Thereafter, it is stated that one of the accused
fired from his pistol hitting the driver in his head as a result of
which he fell down injured.

It is submitted by learned counsel for the petitioner
that the FIR was registered against unknown. The name of the



petitioner transpired in course of investigation. He was remanded in this case on 8.7.2020. It is submitted that the material being relied on by the prosecution against the petitioner is his alleged confession made before the police, the location of his mobile phone, his being in communication with the other co-accused and his criminal antecedent. It is submitted that there is no eye witness to the occurrence. The petitioner undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case and the petitioner being in custody for 1 year 6 months, the petitioner is directed to be enlarged on bail in connection with Dulhin Bazar P.S. Case no. 90 of 2016 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III, Danapur.

It is directed that the petitioner shall remain physically present in court on each date of the case/trial and shall cooperate in the trial. In case the petitioner is absent on any date for reasons not to the satisfaction of the learned trial court or is



not cooperating in the trial, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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