

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14451 of 2022

Arising Out of PS. Case No.-501 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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VIVEK KUMAR @ BULLU RAI @ BALLU RAI @ GOLU S/o Sri
Mahendra Ray R/o Village- Fatehpur, P.S.- Kanti, District- Muzaffarpur, At
Present Mohalla- Bhagwanpur, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
Ms.Anjana

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 07 of 2021, arising out of Sadar Police
Station Case No. 501 of 2019, registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

This is the third attempt on behalf of the petitioner for
grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected twice by this Court, vide orders, dated
19.10.2020 and 25.08.2021, passed in Criminal Misc. Nos.
20081 of 2020 and 40323 of 2021 respectively.



The prosecution case, as per the First Information Report, is that the petitioner, along with others, arrived at the house of the informant and started abusing and assaulting his father by the butt of the pistol, due to which the informant's father died.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence and he has been implicated in this case, which would be evident from the deposition of the informant recorded during the trial of the case, in which he has deposed that it was Sunil Kumr Gupta, who had assaulted the father of the informant. He further submits that co-accused Vijay Rai has been granted bail by a co-ordinate Bench of this Court, vide order, dated 13.04.2022, passed in Criminal Misc. No. 18629 of 2022. He further submits that the petitioner is in custody since 27.11.2019.

After having heard learned Counsel for the parties and taking into consideration the deposition of the informant during the trial of the case and the fact that co-accused Vijay Rai has been granted bail by this Court and the petitioner has remained in custody for more than two-and-a-half years, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No. 07 of 2021, arising out of Sadar Police Station Case No. 501 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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