

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19479 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BHAGWANGANJ District- Patna

Vijay Kumar @ Aaka (Male), aged about 29 years, Son of Shatrughan Singh
Resident of Village - Jamuhari, P.s.- Mehandia, Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate.

For the Opposite Party/s : Mr. Ramchandra Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 25-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bhagwanganj P.S. Case No. 99 of 2021 lodged under Sections
341, 323, 147, 148, 149, 302, 120(B) of the Indian Penal Code
read with Section 27 of the Arms Act.

As per the prosecution case, three named person have
called the brother of the informant from his house. It has been
alleged that accused Gunjan Kumar has fired on the brother of
the informant, which resulted into death of the brother of the
informant.

Learned counsel for the petitioner submits that from

the F.I.R. itself it transpires that there is specific allegation against Gunjan Kumar and only general and omnibus allegation is against Sunil Kumar and Vijay Kumar that they have called the brother of the informant. He submits that petitioner's antecedent is clean, he is in custody since 05.10.2021 in this case and chargesheet has already been filed. He further submits that the co-accused Sunil Kumar @ Munna has already been granted bail by this Court vide order dated 25.07.2022 passed in Cr. Misc. No. 20184 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner has also called the brother of the informant, though, there is no direct allegation against him of firing.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Masaurhi in connection with Bhagwanganj P.S. Case No. 99 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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