

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31807 of 2022**

Arising Out of PS. Case No.-267 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

Vikash Sah S/o late Nantoon Sah Resident of Village- Bochahan,
Bhagwanpur, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Verma, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 21-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in a case registered for the offence under Sections 147, 148, 149, 323, 307, 504, 506 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the co-accused Dilip Patel and Harishankar Kumar @ Harishankar Patel is to make assault to the informant and others by using fire arms, causing fire arm injury, with intention to cause their death.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the F.I.R. that the informant is not the eye witness of the alleged occurrence. Further submits that there is no allegation of overt act or firing against the petitioner and the co-accused persons, namely, Navin Kumar and others have been granted bail vide order dated 10.08.2022 passed in Cr. Misc. No. 20377 of 2022 and co-accused namely Dilip Patel and Harishankar Kumar @ Harishankar Patel have also been granted bail vide order dated 02.09.2022 passed in Cr. Misc. No. 21286 of 2022 by different Co-ordinate Benches of this Hon'ble Court and the police, after investigation, submitted charge sheet against the petitioner and the petitioner is in custody since 22.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the fact and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bochahan P.S.Case No.267 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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