

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39541 of 2021

Arising Out of PS. Case No.-814 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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Vikky Singh @ Vicky Singh, S/O Rajendra Singh, Resident of Mitra Chowk,
Shwala Ghat, Ward No. 26, P.S.- Bettiah Town, District- West Champaran
... .. Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mrs. Vaishnavi Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bettiah (Town) P.S. Case No. 814 of 2019 for
the offences punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on
05.11.2019 at about 10 AM, the son of the informant was going
to M. J. K. Hospital for treatment of his family member and this
informant was following him. In the meantime, it is alleged that
Vicky Singh (petitioner), Punit Kumar, Sumit Kumar, Santosh
Singh and 2-3 unknown miscreants surrounded his son and
thereafter they started indiscriminate firing upon him, due to



which he sustained fire-arm injuries and later on he died.

It is submitted by the learned counsel appearing on behalf of the petitioner that the informant is not an eye witness to the occurrence, as it is alleged that the incidence has taken place in the wee hours of the day just adjacent to the market, but there is no independent witness to the alleged occurrence, who has supported the prosecution case. It is further submitted that the post-mortem of the person of the deceased was conducted and three fire-arms injuries have been found on the person of the deceased, but no specific allegation has been levelled against any one, on whose fire he received injuries, rather a general and omnibus allegation has been alleged against all the F.I.R. named and unknown persons. It is also submitted that co-accused persons, namely, Sumit Kumar @ Shivam Kumar and Punit Kumar Sharaf, having similar allegations, have already been granted bail by the learned co-ordinate Benches of this Court in Cr. Misc. No. 40602 of 2020 vide order dated 08.06.2021 and in Cr. Misc. No. 3663 of 2021 vide order dated 16.04.2021, the copies of which have been annexed as Annexures- 3 Series. It is lastly submitted that the petitioner is in custody since 16.11.2019 and moreover the investigation has already been concluded and the charge-sheet has also been submitted and he undertakes that he will co-operate in the trial.



On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against the F.I.R. named accused persons including this petitioner, who made indiscriminate firing resulting into death of the deceased. It is also submitted that the petitioner has been found involved in four other cases. In response to the submission, learned counsel for the petitioner submits that all the four cases are of the year 2012, 2015 and 2019 and in all the cases, the petitioner is on bail.

Having considered the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation of firing against all the accused persons, apart from the fact that there is no eye witness to the alleged occurrence, though the incidence has taken place in a market, inasmuch as the other similarly situated co-accused persons, having similar allegation, have already been granted bail by learned co-ordinate Benches of this Court vide Annexures-3 Series and the petitioner is in custody since 16.11.2019, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No.



814 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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