

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33339 of 2022**

Arising Out of PS. Case No.-159 Year-2015 Thana- PIRPAINTI District- Bhagalpur

Vimal Kumar @ Vimal Mahto @ Lohwa Son of Late Tarni Mahto Resident
Of Village- Maheshmunda, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Dr. Indivar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 20-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Pirpainty
P.S. Case No. 159 of 2015 registered for the offence under
Sections 307, 120(B) and 34 of the Indian Penal Code and under
Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.10.2021.

The allegation against the petitioner is to cause fire
arm injuries to the informant/injured, alongwith other co-
accused persons, while roaming in Pirpainty Bazar together.

Learned counsel appearing on behalf of the petitioner



submitted that entire allegation is based upon suspicion, as petitioner alongwith other co-accused persons accompanied the informant/injured as a friend. It is also submitted as petitioner left place of occurrence out of fear, he has been falsely implicated in present case, without having any connecting evidence. It is also submitted that allegation of firing is not specific against this petitioner and he has implicated in present case only due to his criminal antecedents, as same is of 11 cases, where he has already acquitted in 2 cases and on bail in rest of 9 cases, where in maximum of cases, his name surfaced either on the basis of confessional statement or on the basis of suspicion, as of the present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of firing is not specifically available against this petitioner, where implication appears to be based upon suspicion coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Pirpainty P.S. Case No. 159



of 2015 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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