

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33385 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- BARURAJ District- Muzaffarpur

Vikash Kumar @ Bikash Kumar Bhola Sahani @ Bhola Sahni Resident Of
Village- Dharphari, P.S.- Deoriya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 397, 398, 400, 414, 353,
307, 120(B)/34 of the Indian Penal Code and Sections 25(1-b)a,
26, 27, 35 of Arms Act.

According to prosecution case, in brief, is that the
informant, Rajkumar Baruraj has got information from SSP,
Muzaffarpur and other sources that some criminals have to
commit decoity at Baruraj and nearby area of Motipur,
Sahebganj and Kathaiya in any business firm. S.S.P.
Muzaffarpur informed that targeted business firm could be
under Baruraj police station and also directed to maintain high



alert mode thereafter police party/raiding team proceeded towards Phulwariya Chowk under the leadership of Sub-Divisional Police Officer, Saraiya and Sub-Inspector. After some time, information received that one suspicion Bolero and two motorcycle were moving around near petrol pump and TVS Agency at Sahmalwa Chowk. The police team reached at the place of occurrence and on seeing the police party, they started to flee away and committing firing over which the police team warned to stop firing but they did not stop thereafter firing took place from both the sides. In the meantime, the police asked them to surrender but they continued indiscriminate firing over the police team. After 15 to 20 minutes of encounter, four criminals have been found injured and other four criminals have been found normal and all the eight criminal alongwith the petitioner revealed their name and on being searched, arms and ammunition have been recovered from them as well as 10 empty cartridges, one Bolero and one Glamor Motorcycle were recovered from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. that the accused



persons fired on the police party whereupon the police also fired upon the accused persons. He further submits that as per allegation four accused persons were injured in this case and they were bullet injury fired by the police party but not a single police official got any fired injury on his body as per F.I.R. He further submits that as per seizure list one loaded country made pistol recovered from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Manjay Kumar has been granted bail by this Court vide order dated 02.09.2022 passed in Cr. Misc. No. 33352 of 2022. The petitioner is in custody since 24.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Baruraj P.S.



Case No. 14 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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