

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37631 of 2022

Arising Out of PS. Case No.-2 Year-2020 Thana- MAHUA District- Vaishali

Arvind Kumar @ Rajeev Singh Son Of Raj Kishore Singh R/O Village-
Kutubpur Sahmal, P.O.- Kanhauli, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyanka Singh, Adv.

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-09-2022 Let the defect(s), 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
Mahua P.S. Case No. 02 of 2020 lodged under Sections
302/120B of the I.P.C. read with Section 27 of Arms Act.

As per the prosecution case, all the accused persons
have visited to the house of the informant, in the meantime, total
10 persons visited on motorcycle and started talking with the
husband of the informant and in the meantime, Avinash Rai and
Vinay Rai has made gun fired on the informant's husband. The
allegation against the petitioner is that he was making
observance only. It has been further alleged that upon firing,

they all went towards Mahua. The cause of dispute was shown as the President Ship of Pacs Election.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 28.02.2022, charge sheet has already been filed in this case. On the point of criminal antecedent, learned counsel submits that there are in total 6 criminal cases pending against the petitioner. Out of 6 cases, 3 cases were found false and final form has been submitted. In rest 2 cases, he is on bail and in one case, investigation is going on.

Learned counsel for the petitioner further submits that some of the co-accused were granted bail by the Co-ordinate Bench of this Court vide order dated 16.07.2021 and 06.08.2021 passed in Cr. Misc. No. 15986 of 2021 and 23929 of 2021 respectively.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is not a man of clean antecedent. There are 6 criminal cases pending against him. Informant also submits that he is named accused as

well as his role has figured by virtue of the confessional statement made by the co-accused in this case that he is the planner of the offence.

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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 02 of 2020, 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 be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship 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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