

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37973 of 2022

Arising Out of PS. Case No.-214 Year-2018 Thana- VAISHALI District- Vaishali

Vivek Kumar, S/o Govind Prasad Singh Resident of Village - Dayalpur Tara,
P.s.- rajapakar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Vaishali P.S. Case No. 214 of 2018 vide STR No.
131 of 2022 registered for the alleged offences under Section 307
of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, four unknown miscreants
overtook the Bolero vehicle of the informant and they snatched the
keys of the vehicle and without saying anything shot at the
informant. The name of the petitioner transpired as an accused
during investigation.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. The F.I.R. was lodged against unknown and the petitioner has been named in this case merely on suspicion. The police forcibly extracted the confession of this petitioner which has got no legal sanctity. Nothing incriminating has been recovered from the conscious possession of the petitioner or at his instance. No Test Identification Parade has been conducted till date. Other similarly placed co-accused persons namely Manish Kumar Sharma has been granted regular bail by a Coordinate Bench vide order dated 22.06.2022 passed in Cr. Misc. No. 25661 of 2022. Charge sheet has been submitted in this case and the petitioner is in custody since 02.07.2021. The petitioner has got antecedent of a number of cases which is due to high-handedness of the police.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and is accused in a number of cases of serious nature.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offences as alleged and further considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like

amount each to the satisfaction of learned Additional Sessions Judge-XII, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 214 of 2018 vide STR No. 131 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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