

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56308 of 2022

Arising Out of PS. Case No.-152 Year-2020 Thana- SHANKARPUR District- Madhepura

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VIJAY KUMAR SON OF BRAHMADEO MEHTA @ BRAHMADEB
MEHATA @ NUNU R/O VILLAGE- KOLHUA, WARD NO.9, P.S.-
SHANKARPUR, DISTT.- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and the

State through video conferencing in view of the Covid-19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is in judicial custody in connection

with Shankarpur P.S. Case No. 152 of 2020 for the offences

under Sections 302/34 of the Indian Penal Code and Section 27

of Arms Act.

As per the prosecution story, the informant has

alleged that while his father had gone to the market, he too

along with his uncle was visiting the market when they heard of

indiscriminate firing and found 6-7 unknown persons fleeing

away from the place of occurrence and further saw that his



father has been murdered.

Learned counsel for the petitioner submits although some persons have been named in the FIR, the petitioner is not in the list of those named accused. His name has cropped up during the course of investigation on the confession of co-accused Nitish Kumar and Manish Kumar @ Laddu and accordingly, he has come in the judicial custody on 14.6.2022 (as stated in para-14 of the bail application).

He submits that Nitish kumar, on whose confession, he has been taken into custody has since been released on bail vide Cr. Misc. No. 26864 of 2022. The same has been incorporated in the bail application as Annexure 2 series.

Beside, the other co-accuseds namely, Mukesh Kumar, Vivek Yadav have also been released on bail in Cr. Misc. No. 46535 of 2021 and Cr. Misc. No. 45316 of 2021 respectively.

Taking into account the aforesaid facts as also that Nitish Kumar (on whose confession the petitioner was arrested) has since been released on bail, is in custody since 14.6.2022 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhepura, in connection with Shankarpur P.S. Case No. 152 of 2020, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his district (Madhepura) for a period of one month after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he will stay) every week to mark attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;



(vi) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan/
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