

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59916 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- KOILWAR District- Bhojpur

Vikash Rai @ Vikash Yadav S/O Rajendra Yadav @ Rajendra Singh Resident
of Village- Rupbandh, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate
	:	Mr. Sunil Kumar Yadav, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-12-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP 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 Koilwar
P.S. Case No. 55 of 2022 registered for the offence under
Sections 147, 148, 149 and 302 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.02.2022.

The allegation against the petitioner is to cause
indiscriminate firing, alongwith 25 named co-accused persons
and 30-35 unknown accused persons, causing death of father of



the informant and one Durgesh due to previous enmity arises out of land related dispute.

Learned senior counsel appearing on behalf of the petitioner submitted that, admittedly, informant is not the eye witness of the occurrence, where entire implication is based upon hearsay input, as given by one of the friends of deceased/father of the informant. It is submitted that both the deceaseds had received one gun shot injury, in the background of indiscriminate firing, alleged to be made by 25 named accused persons including this petitioner and 30-35 unknown persons, creating a doubt over the motive of the informant in implicating the innocent persons, perhaps, with the motive to settle the score with everyone with whom she and her family members had any dispute/enmity. It is further submitted that implication of one Alim Khan and Binay Rai is sufficient to suggest, on its face, that how the innocent persons were implicated in the present case due to oblique motive, because as per CCTV footage, Alim Khan, at the time of occurrence, was busy in offering Namaz, whereas co-accused, namely, Binay Rai was posted with Indian Army in Arunachal Pradesh. While travelling over the argument, it is pointed out that similarly situated co-accused persons have already been granted bail by



one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 16989 of 2022 dated 29.08.2022.

Per contra, learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that petitioner actively participated in indiscriminate firing, as alleged through F.I.R., causing death of two innocent persons.

In view of the facts and circumstances, as mentioned above, and by taking note of the nature of accusation and injury received, causing death, in the background of allegation of indiscriminate firing by a total of about 60 persons, where informant is not the eye witness of the occurrence coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Koilwar P.S. Case No. 55 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, Bhojpur/concerned Court, subject to the following conditions conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and



exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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