

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1375 of 2022**

Arising Out of PS. Case No.-753 Year-2020 Thana- SARAIYA District- Muzaffarpur

VIVEK KUMAR Son of Shambhu Ram Resident of Village - Sonapur, P.S. -
Sonapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 22-03-2022

Heard both parties.

The petitioner seeks bail in Saraiya P.S. Case No. 753 of 2020, registered for the offence punishable under Sections 393, 307 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 22.11.2020 at around 9.30 am, the informant and his staffs were going on cash van from Chapra to Siwan and reached reached near Bakhra cold storage, one white coloured car tried to intercept the vehicle of informant and the accused persons sitting in the car started indiscriminate firing due to which driver of the cash van got firearm injury.

It is submitted on behalf of the petitioner that petitioner is not named in the FIR. During course of



investigation, name of this petitioner has come in this case on the basis of confessional statement of co-accused Ali Raza. No incriminating article has been recovered from possession of this petitioner. No test identification parade has been held till date. From perusal of impugned order it appears that specific allegation of firing is against co-accused Bittu Paswan and Rudra and as such, no case under Section 307 IPC is made out against this petitioner. Petitioner is in custody since 25.03.2021. Investigation is complete. Similarly situated co-accused has already been allowed bail by this Court vide paragraph 13 of the bail petition.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged 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 Additional Chief Judicial Magistrate IV (West), Muzaffarpur in connection with Saraiya P.S. Case No. 753 of 2020.

(Prabhat Kumar Singh, J)

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