

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5209 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- BARURAJ District- Muzaffarpur

VIPUL KUMAR Son of Ram Naresh Singh R/V- Sirsiya P.S- Kathaiya Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uday Chand Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 19-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
14.07.2022 in connection with Baruraj P.S.Case No.78 of 2022,
F.I.R. dated 27.04.2022 registered for the offence punishable
under Sections 341,323,447,307,386,504,506/34 of IPC and
Section 27 of the Arms Act.

3. The prosecution case, in brief, is that the informant
alleged that on 27.04.2022 when the informant was returning by
his motorcycle then his co-villager Dhiraj Kumar alongwith his
three friends surrounded the informant and abused him and also
assaulted him with iron rod. Further alleged that accused Dhiraj
Kumar and one of his friends pulled out pistol from their waist
and fired at the informant and the informant some how managed



to escape from the bullet. Further alleged that all assailants threatened that if the extortion money would not paid by the informant then he would be killed and all the assailants started fleeing away from the spot but the co-accused Niraj Kumar was apprehended by the local people.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Niraj Kumar and the petitioner has no concern at all with the co-accused persons, namely, Niraj Kumar and Dhiraj Kumar and the petitioner has no concern at all with the alleged occurrence and except the confessional statement of co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the said co-accused, namely, Niraj Kumar has been granted bail by the learned court below itself vide order dated 05.07.2022 passed in B.P.No.892 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.07.2022.

5. Learned APP for the State, on the other hand, has



vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one, as mentioned in para-3 of the supplementary affidavit.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Baruraj P.S.Case No.78 of 2022, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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