

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5363 of 2023

Arising Out of PS. Case No.-386 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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VIVEK SINGH Son of Gorakh Singh R/V- Makari Mahuawa, P.S-
Piprakothi, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Muffasil
P.S. Case No. 386 of 2020 dated 25.08.2020 registered for the
offence under Sections 302, 379, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner along with others alleged to have
opened fire from their pistol upon the nephew of the informant
due to which he died during course of treatment.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case
during course of investigation on the basis of confessional



statement of the co-accused, Bablu Kumar Sahani @ Sadhu Sahani. He further submits that it appears from the F.I.R. that the specific allegation of firing is attributed to the co-accused, Raj Pandey who fired upon the nephew of the informant causing him deadly injury. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, the co-accused, namely, Bablu Kumar Sahani @ Sadhu Sahani and Raj Pandey @ Ranjan Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 14.09.2021 and 21.06.2023 passed in Cr. Misc. No. 35756 of 2021 and Cr. Misc. No. 20848 of 2023, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 15.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries fifteen more cases other than the present one even though he is on bail in thirteen cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 20th Additional Sessions Judge, East Champaran, Motihari in connection with



Muffasil P.S. Case No. 386 of 2020 with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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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