

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8550 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- MARANCHI District- Patna

Vicky Kumar @ Kundan Kumar @ Vicky Mahto, Son of Sanjay Ray @
Sanajay Mahto, R/O Village- Simariya Ghat, Bind Toli, P.S.- Barauni,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 04-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Maranchi P.S.
Case No.26 of 2021 registered for the offence punishable under
Sections 147, 149, 341, 323, 353, 307, 504 and 506 of the Indian
Penal Code and Section 27 of the Arms Act.

There is an allegation that the police party had gone for
conducting a raid on the residential premises of certain accused
persons where they have been fired upon from the other side of the
riverbank. It is alleged that the petitioner was one of those firing
upon the police party and threatening the investigation.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.
The petitioner has been named only on suspicion as from the FIR, it



is obvious that the informant or any of the police personnel has not seen the petitioner. Though so much firing is stated to have taken place, no empty cartridge has been recovered from the spot. The whole occurrence took place in the night and the petitioner was not seen at the spot nor arrested from the spot. The petitioner has 13 criminal antecedents as has been disclosed in the bail petition. Charge-sheet has been submitted and he continues to be in custody since 06.08.2021. Other similarly situated co-accused Santosh Kumar @ Chuhwa, has been granted bail in Cr.Misc. No.70993 of 2021, vide order dated 27.07.2022.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner and other co-accused persons opened fire on the police party and this petitioner is having criminal antecedents.

Considering the rival submissions and the fact that though the petitioner has been named in this case, nothing tangible came up against the petitioner during investigation and further considering the fact that the charge sheet has been submitted and the period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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, Barh, Patna, in connection with Maranchi P.S.

Case No.26 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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