

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11731 of 2023

Arising Out of PS. Case No.-535 Year-2022 Thana- GAURICHAK District- Patna

VIKASH KUMAR Son of Kamal Kant Singh @ Kamli Singh Resident of
Village- Taranpur, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Anuj, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP
For the Informant	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-08-2023 Heard the parties.

The petitioner is an accused in connection with Gaurichak P.S. Case No. 535 of 2022 registered for the offences under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 16.08.2022 by the informant, Munni Devi.

As per the prosecution story, the informant's '*devar*' and her son were sitting in the shop near her house while her husband was talking on his mobile nearby. In the meantime, three persons named in the F.I.R. came on a motorcycle having pistol in their hand, stopped the motorcycle at some



distance and came to him started abusing and further gave order to this petitioner and other to shoot him whereafter Sudhir Singh shot him and then all the accused persons tried flee. As her '*devar*' tried to catch them then, flashing pistols, fled away. The reason behind this occurrence is that her husband had given Rs. 6,00,000/-to the said Sudhir and when he wanted his money back this occurrence. Accordingly, the FIR.

Earlier case diary was called for and has since been received.

The main allegation is against Sudhir Singh that he opened fire causing death of the '*devar*' of the informant. The reason being that Rs. 6 lakhs was given to Sudhir and upon demand, the present occurrence.

Taking into account that main allegation is against Sudhir Singh, this petitioner is an order giver, has remained in custody since 13.09.2022 (as stated in paragraph 14 of the bail application), this Court is inclined to extend him privilege of bail with condition in view of the fact that Mr. Shailendra Kumar Singh, learned Counsel for the informant submits that those close to him use to threaten.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M. VI, Patna City, Patna in connection with Gaurichak P.S. Case No. 535 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



(vi) in case any of the accused persons threatens or force the informant/family member, they shall be free to take steps for cancellation of the bail.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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