

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15906 of 2023

Arising Out of PS. Case No.-260 Year-2019 Thana- BAKHTIYARPUR District- Patna

VIVEKA KUMAR @ VIVEKA @ VIVEKA YADAV Son of Ram Khelaban
Yadav R/V- Chanda, P.S- Athmalgola, Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 03.09.2021 in connection with S.T. No. 749 of 2022 arising out of Bakhtiyarpur P.S. Case No. 260 of 2019, F.I.R. dated 06.08.2019 for the offences punishable under Sections 147, 148, 149, 307 of the Indian Penal Code and later on Section 302 of I.P.C. was added and Section 27 of the Arms Act.

According to prosecution case, as per written report of the informant stating therein that on 06.08.2019 at about 10:15 hours he was at his Tea stall and customers were also present there. In the meantime one Ranjit Kumar and Rajnarayan arrived there and from south one Bolero vehicle came there and from vehicle 6-7 persons got down and Ranjit and Rajnarayan



told to that person that he is Manojwa and killed him. Thereafter, all the accused persons entered into his shop and started indiscriminate firing in result there of he sustained injury in his thigh and during firing one customer and his staff namely Yogendra has also sustained injury and customer fell down and his staff anyhow could save his life and flee but against one bullet hit on his waist and thereafter, all the accused persons after making open fire fled away.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner and except the self confessional statement of the petitioner no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the named co-accused persons have already been acquitted in this case by the court below in Session Trial No. 611 of 2021 vide order dated 10.02.2022 passed by the learned A.D.J.-V, Barh, Patna. He further submits that the police after investigation submitted the



charge sheet against the petitioner and the petitioner is in judicial custody since 03.09.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned A.D.J.-V, Barh, Patna in connection with S.T. No. 749 of 2022 arising out of Bakhtiyarpur P.S. Case No. 260 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

mdrashid/-

U		T	
---	--	---	--

