

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32527 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- SAHPUR District- Patna

Vicky Kumar, Son of Veer Prakash Singh R/o Flat No. 302, Nagina Gitanjali
Residency PS- Danapur Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Shahpur P.S. Case No.266 of 2022 registered for the offences punishable under Sections 341, 307, 504 read with 34 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

The accused/petitioner named in the FIR and is in custody since 21.12.2022.

The allegation against the petitioner is to open fire upon brother of the informant along with other co-accused persons causing bullet injuries, where occurrence is alleged to be arises out of previous business dispute.

It is submitted by learned counsel that allegation of firing is appearing general and omnibus against this petitioner,



where implication appears false in background of previous enmity arises out of business dispute. It is submitted that no any injury as stated by injured received on his stomach also supported by injury report. Learned counsel further submitted that from the place of occurrence, one country-made pistol was recovered, which may be a good evidence to connect the petitioner with alleged occurrence but, despite of all occasions, said seized country-made pistol was not sent for forensic examination. While concluding argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail in one case and moreover investigation of this case is completed for which charge-sheet has been submitted and, as such, there is no chance of tampering with evidence.

Learned APP while opposing the prayer for bail submitted that specific allegation of firing is available against this petitioner causing firearm injuries.

In view of above-mentioned facts and circumstances and by taking note of contradiction of injury report with the version of injured, as no firearm injury found upon stomach as stated, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.12.2022, accordingly, the petitioner, above-named, is



directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Danapur, Patna in connection with Shahpur P.S. Case No.266 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC with further conditions:-

(i) That accused/petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents;

(ii) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner; and

(iii) That one of the bailors shall be deponent of the present bail petition.

Physical presence of the Investigating Officer



shall be dispensed with.

(Chandra Shekhar Jha, J.)

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