

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31512 of 2022

Arising Out of PS. Case No.-159 Year-2020 Thana- MOKAMAH District- Patna

Vijay Shankar @ Fantush @ Vijay Shankar Kumar, Son of Shashi Singh @
Sri Sashi Bhushan Singh, R/O Village- Amadapur, Pandarak, P.S.- Pandarak,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Krishan Jha, Advocate
		Mr. Arvind Kumar Mouar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Raj Krishan Jha, learned counsel appearing
on behalf of the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Mokama P.S. Case No. 159 of 2020 registered
for the offences punishable under Sections 302, 307, 120(B)/34
of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report
alleging therein that on 01.08.2020 at about 02:30 PM, one
'Ram Jeevan' of village- Raily called his son and went along
with him on a motorcycle and when they reached near village-



Mekra, then three unknown persons came there riding on a motorcycle and dashed the motorcycle, as a result of which they fell down thereupon the miscreants made indiscriminate firing, as a result, the son of the informant died at the spot. He also alleged that 'Ram Jeevan', who was accompanying the son of the informant also sustained gun shot injury. He further alleged that on 30.07.2020, three persons, namely, 'Mukesh Singh', 'Sanjeev Kumar' and 'Suman Kumar' had visited his house, armed with pistol and rifle, in search of his son and also gave threatening to kill his son. Suspicion has also been raised against 'Ram Jeevan' that he under a conspiracy with 'Mukesh Singh', and other accused persons, has murdered his son.

Learned counsel appearing on behalf of the petitioner submits that admittedly the informant is not an eyewitness to the alleged occurrence and, moreover, the suspicion has been raised against 'Mukesh Singh' (Mukhiya of the concerned Panchayat), 'Sanjeev Kumar' and 'Suman Kumar' along with 'Ram Jeevan'. The petitioner is neither named in the FIR nor even suspicion has been raised against him. During the course of investigation, the statement of 'Ram Jeevan' was also recorded and he disclosed the name of only three persons, but never took the name of the petitioner. He next submits that the name of the



petitioner has subsequently been disclosed by one of the spy of the police and thereafter, he was apprehended and his statement was recorded by the police. He lastly submits that other co-accused persons, namely, 'Mukesh Kumar @ Mukesh Singh', 'Sanjeev Kumar' and 'Suman Kumar' have been allowed the privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. Nos. 22476 of 2021, 57030 of 2021 and 27512 of 2021, respectively. While concluding his submissions, he next submitted that the petitioner is in custody since 17.01.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner confessed his crime that after release on bail in connection with another case, he committed this crime by taking Rs. one lakh from co-accused 'Mukesh Kumar'.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is neither named in the FIR nor the eyewitness 'Ram Jeevan' has disclosed his name and, save and except, the disclosure made by the spy and the confessional statement, there is no other material and, moreover, he is in custody for more than one year, now the investigation of the crime is already complete and other co-



accused persons named in the FIR have been allowed the privilege of anticipatory bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, Barh in connection with Mokama P.S. Case No. 159 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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