

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38336 of 2023

Arising Out of PS. Case No.-656 Year-2020 Thana- MAHUA District- Vaishali

VIJAY KUMAR SINGH Son of Late Shital Singh Resident of village -
Tatahpur Pakari, P.S. - Mahua, Distt. - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Md. Ataur Rahman, APP
For the Informant	:	Mr. Rajeev Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. The petitioner in this application prays for bail
apprehending his arrest in connection with Protest-cum-
Complaint Case no.1627 of 2021 (arising out of Mahua P.S.
Case no.656 of 2020) wherein cognizance has been taken under
sections 201 and 120B of the Indian Penal Code.
3. It may be stated here that on the written
statement of the informant Ramuchit Singh, an F.I.R. being
Mahua P.S. Case no.656 of 2020 was registered on 11.11.2020
under sections 302 and 201 of the Indian Penal Code wherein
the petitioner was made a named accused.
4. Learned counsel for the petitioner submits that



the petitioner has been falsely implicated in the case which would be evident from the contents of the F.I.R. also. Further, there was no justification for having lodged the F.I.R. after a delay of 24 days of the alleged occurrence. After investigation, final form was submitted by the investigating officer giving the reason of 'lack of evidence'. However, in view of the protest-cum-complaint petition filed on behalf of the informant, the informant and witnesses were examined on S.A. and by order dated 20.12.2022 passed in Complaint Case no.C-1 1627/2021, the Judicial Magistrate 1st Class was pleased to take cognizance against the petitioner under sections 201 and 120B of the Indian Penal Code. As such, it is prayed that the petitioner be enlarged on anticipatory bail.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner is the named accused in the F.I.R. and so far as the order taking cognizance is concerned, the same has also been challenged in a revision application in this Court.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the delay in lodging of the F.I.R., the final form having



been submitted against the petitioner on investigation and cognizance having been taken only on protest-cum-complaint petition filed by the complainant, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Protest-cum-Complaint Case no.1627 of 2021 (arising out of Mahua P.S. Case no.656 of 2020) on 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, Vaishali at Hajipur, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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