

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43196 of 2023

Arising Out of PS. Case No.-362 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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VISHAL KUMAR @ DABLU @ DAGARU son of Mahesh Prasad Mohalla-
Maharajganj South Gali Ps- Alamganj Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Town P.S.
Case No. 362 of 2021/C.I.S. No. 263 of 2021 registered for the
offence under Sections 302 and 120(B) of the Indian Penal Code.

The petitioner along with two others accused persons
are alleged to have fired upon the husband of the informant
causing him deadly injuries due to which he died.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation, as alleged in the
F.I.R. against the petitioner, is false and fabricated and he has not
committed any offence. He further submits that the informant
claims to be the eye witness of the alleged occurrence and stated



in her statement recorded under Section 161 Cr.P.C. that the co-accused, Nitish Kukmar and Vishal Kumar have opened fire upon her husband and thereupon statement of the aforesaid accused persons were recorded in which they have also stated that they have opened fire upon the husband of the informant. He further submits that no specific allegation of firing is attributed to the petitioner. At best the petitioner could be said to have been accompanied with the co-accused but he has not inflicted any gunshot injury nor any overt act is attributed to him. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, co-accused, Amit Kumar @ Bitu @ Bittu Kumar @ Nepali @ Amit Raj has already been granted bail by a co-ordinate Bench of this Court vide order dated 06.07.2022 passed in Cr. Misc. No. 67594 of 2021. The petitioner is rotting in judicial custody since 22.10.2021.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was also involved in the present crime in question and he carries two more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 learned Additional Sessions Judge-VII, Aurangabad in connection with Town P.S. Case No. 362 of 2021/ C.I.S. No. 263 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

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