

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41884 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- ATRI District- Gaya

VIKASH KUMAR S/O MAHENDRA PRASAD R/O Village- Mad Bigha,
P.O- Sheotar Mad Bigha, P.S- Atri, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 342,
307, 386, 34 of the Indian Penal Code.

3. The informant alleges that her son was shot and on
coming to know about the occurrence she along with her family
members reached the place of occurrence where from before her
brother-in-law was present, it is next alleged that her son was
taken to the hospital and he disclosed that he was shot by Baiju
Yadav while Kandho and Gore were holding his hands and he
could not recognize the rest, it is next alleged that the
occurrence took place as accused persons refused to show
challan of sand on being demanded by her son who later died



during the course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the informant alleges that her son disclosed that it was Baiju who shot him while Kandho and Gore were holding his hands, it is further submitted that the FIR does not even remotely whispers about the petitioner and thus the petitioner is not named in the FIR and his name transpired during the course of investigation in the confessional statement of Gore and Baiju, it is next submitted that the confessional statement in police custody does not have any evidentiary value, it is also submitted that specific allegation of firing is against Baiju and Kandho and Gore are alleged to have caught the son of the informant, it is next submitted that petitioner will not abscond, rather, will cooperate in the investigation and will present himself as and when required by the Investigating Officer for eliciting the truth.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Atri P.S. Case No. 403 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not producing himself when called, the learned Trial Court would be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

HarshPandey/-

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

