

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46381 of 2023**

Arising Out of PS. Case No.-158 Year-2021 Thana- SAHPUR District- Patna

Vivek Rai @ Aryan Kumar Son Of Pintu Rai Resident Of Village- Tarachak,  
P.S -Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      19-09-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 307, 120B/34 of the Indian Penal Code and Section 27 of Arms Act.

3. According to the FIR, the informant alleged that some miscreant fired upon him which hit the informant as well as his friend Pradeep Ram as a result of which both have sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in FIR rather his name was transpired in the present case on the basis of statement of witness vide para- 24 of the case diary thereafter, the petitioner confessed his guilt



in his confessional statement. It is further submitted that confession before police is not admissible in the eye of law. The petitioner has no concern with the alleged occurrence or with co-accused persons and he is languishing in judicial custody since 12.7.2021. Moreover, co-accused Harendra Kumar @Lotha Gope has already been enlarged on bail by a co-ordinate Bench of the Court vide order dt. 3.7.2023 passed in Cr. Misc. No. 2603 of 2023.

5. In pursuance to the direction of this Court, a report regarding present stage of trial has been received by which, it appears that there is no progress in trial.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Shahpur P.S. Case No. 158 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-1st, Danapur, Patna.

**(Sunil Kumar Panwar, J)**

Aamandeep/-

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