

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49945 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- SINGHESHWAR District- Madhepura

1. VIKASH KUMAR Son of Lalan Yadav R/V- Damgara Ward no. 6 P.S- Shankarpur Dist- Madhepura
2. Mithilesh Kumar @ Chhotu Son of Tej Narayan Yadav R/V- Raibhir, P.S- Shankarpur, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 02-02-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State

The petitioners seek bail in connection with Singheshwar P.S. Case No. 20 of 2022 registered for the offences punishable under Sections 393, 326, 307, 34 of the IPC and Section 27 of Arms Act.

As per prosecution case, when informant reached near Doma Chowk he found one injured person namely Gunjan Kumar Sah. On enquiry, victim Gunjan Kumar Sah disclosed that three criminals on blue coloured Apache motorcycle and



three other persons on black coloured Pulsar motorcycle came and tried to snatch his motorcycle then victim protested the same and threw the key of motorcycle in bush upon which accused persons fired upon the victim in his leg. The victim did not identify the same as they were wearing mask on their face. It has further been alleged that on secret information the informant came to know that about one hour before co-accused persons were found moving near the place of occurrence and co-accused Shaligram Kumar has fired upon the victim Gunjan Kumar Sah.

Learned counsel for the petitioners submits that petitioners are not named in the FIR and their name have been transpired in the present case during the course of investigation upon the confessional statement of co-accused Rahul Kumar. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioners with the alleged occurrence. He further submits that petitioners are in custody since 05.05.2022 and both bear criminal antecedent of six cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that from perusal of seizure list, it appears that no incriminating article has been recovered from the possession of the petitioners. He further submits that co-accused Shaligram



Kumar and Rajesh Kumar have already been granted bail vide Cr.Misc. No. 21981 of 2022 by this Court and the case of present petitioners stand more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 20 of 2022 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioners shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(vi) However, if petitioners violate any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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