

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55434 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- SHEOHAR District- Sheohar

1. VIJAY KUMAR SINGH Son of Late Krit Narayan Singh Resident of Village-Mahuariya, P.S.-Sheohar, District-Sheohar.
2. ANUPAM KUMAR SINGH @ MITHU SINGH Son of Sanjay Kumar Singh Resident of Village-Mahuariya, P.S.-Sheohar, District-Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Advocate
For the Informant	:	Mrs. Madhubala Verma, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr. Devendra Kumar, learned counsel for the petitioners, Mrs. Madhubala Verma, learned counsel appearing on behalf of the Informant and Mr. Jitendra Kumar Singh, learned APP for the State.

2. Learned counsel for the petitioners submits that vide order dated 08.09.2023 the bail petition of the petitioner no. 1 namely Vijay Kumar Singh has already been withdrawn.

3. The petitioner no. 2 is apprehending his arrest connection with Sheohar P.S. Case No. 74 of 2023, F.I.R. dated 10.04.2023 registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. Allegation against the petitioner is that he was



accompanied with other co-accused person who has fired upon the informant/victim.

5. Learned counsel for the petitioner no. 2 submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no accusation of any assault or overt act or firing attributed against the petitioner no. 2 rather there is specific allegation of firing against co-accused person namely Vijay Kumar Singh who had fired upon the informant/victim and she has received leg injury and at best the petitioner was accompanied with other co-accused person.

6. Learned APP for the State as well as learned counsel appearing on behalf of the Informant, on the other hand, opposed the prayer for anticipatory bail of the petitioner. no. 2 and submits that petitioner no. 2 is named in the F.I.R. he was accompanied with other co-accused person who had fired upon the informant/victim and apart from the aforesaid, the petitioner no. 2 carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

7. Considering the facts and circumstances of the case, let the petitioner no. 2, above named, in the event of his



arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 74 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner no. 2 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner no. 2 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 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 no. 2. 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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