

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59028 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Vishwajeet Singh @ Bishwajeet Singh S/O Manoj Singh Resident Of Village-
Bhikhanpura Bichala Tola Maharana Pratap Gali Road No-1, P.S.- Sadar,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 28-02-2023 Let the defects, if any, pointed out by the office be

removed within three weeks from the date of this order, failing

which the matter be listed again under the appropriate heading

for necessary action.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with

Muzaffarpur Town P.S. Case No. 155 of 2022 registered for the

offences punishable under Section 302 of the Indian Penal Code

and Section 27 of the Arms Act.

As per the prosecution, the informant's brother was

shot dead by some unknown miscreants.



The main submissions advanced by the petitioner's learned counsel are that the name of this petitioner transpired in the statement of co-accused Rahul Kumar, who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 50758 of 2022 and petitioner was arrested on suspicion in connection with Muzaffarpur Town P.S. Case No. 175 of 2022 which relates to the recovery of firearm in which the petitioner has been granted bail and in the present matter there is no any incriminating material or evidence against the petitioner showing his involvement in the alleged occurrence of murder and he is not named in the FIR and the paragraphs of case diary which have been referred in the order impugned by Sessions Judge are completely irrelevant in respect of the involvement of the petitioner in the alleged crime as all the witnesses whose statements were recorded in the said paragraphs did not say anything about the petitioner's involvement in the alleged crime and all of them simply stated that they had no knowledge about the assailant who fired at the deceased and in actual there was business rivalry between the deceased and other shopkeepers and the petitioner was falsely roped in this case.

Learned APP appearing for the State has opposed the



prayer for bail.

Considering the aforesaid facts and mainly the facts that the co-accused Rahul Kumar, who revealed the role of this petitioner in the alleged crime has been granted bail by a co-ordinate Bench of this Court vide order passed in above-mentioned criminal miscellaneous case and during the investigation police failed to get any direct evidence showing the petitioner's involvement in the alleged crime and the petitioner is not named in the FIR, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Muzaffarpur Town P.S. Case No. 155 of 2022.

(Shailendra Singh, J.)

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