

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61809 of 2022

Arising Out of PS. Case No.-280 Year-2022 Thana- PIRO District- Bhojpur

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VISHNU KUMAR SINGH @ VIVEK RAI Son of Nagendra Rai R/V-
Rampur Gachayi, P.S- Karakat, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar
For the State	:	Mr.Zainul Abedin, APP
For the informant	:	Mr. Sumeet Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 13-03-2023 Heard the learned counsel for the petitioner,
learned APP for the State and the learned counsel for the
informant.

This is an application for regular bail on behalf of
the petitioner for the offences alleged under Sections 302/34 and
120B of the Indian Penal Code registered in connection with
Piro (Hashan Bazar O.P.) P.S.Case No. 280 of 2022.

Three co-accused persons, namely, Ajit Singh,
Manti Singh @ Rakesh and Vikash Kumar @ Nepali came to
the place of occurrence by a motor-cycle where the deceased
was engaged in construction of his room. Co-accused Vikash
Kumar @ Nepali opened fire with katta at the deceased. Co-
accused Manti Singh @ Rakesh also fired shot at him. Similarly,
co-accused Ajit Singh also opened fire at the deceased. He died
during the course of treatment.

The learned counsel for the petitioner has submitted



that he is not named in the FIR. Three persons have been named in the FIR with specific allegation that they opened fire at the deceased, amongst whom co-accused Ajit Singh has been granted bail in Cr.Misc. No.48262 of 2022. He has also submitted that in paragraph no.3 of the bail petition, the criminal antecedent of the petitioner has been disclosed which shows that he is involved in seven cases, amongst which he is on bail in all the cases, except one. He has also submitted that except the criminal antecedent and confessional statement of co-accused Vikash Kumar Sah @ Rakesh Kumar, there is nothing against the petitioner in the entire case diary. He has next submitted that co-accused Viaksh Kumar Sah @ Rakesh Kumar, though named the accused persons, but has stated that the petitioner was one of the conspirators of the alleged occurrence.

On the other hand, the learned counsel for the informant and the learned APP for the State have opposed the prayer for bail and submitted that the petitioner has criminal antecedent and his name has figured in the confessional statement of co-accused.

Co-accused Ajit Singh, against whom there is allegation of firing shot at the deceased, has been granted regular bail in Cr.Misc. No. 48262 of 2022 and in the present case, except the confessional statement of co-accused, there is nothing against the petitioner.

Considering the above facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-VIII, Bhojpur, Ara in connection with Piro (Hashan Bazar O.P.) P.S.Case No. 280 of 2022, subject to the following conditions:-



1. The petitioner shall cooperate in the disposal of trial and make available as and when required by the court.

2. If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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