

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73064 of 2023

Arising Out of PS. Case No.-631 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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VIVEK SINGH Son of Vijay Singh R/o vill - Basatpur, P.S. - Muffasil, Distt.
- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-11-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Motihari Muffasil P.S. Case No. 631 of 2023 registered

for the offences punishable under Sections 307, 120B of

the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner is said to

have been made accused by the informant's nephew in

Mufassil P.S. Case No. 529 of 2023 along with other co-

accused persons and there is allegation that threatening

has been given to the informant's nephew for



compromising the case. It is further alleged that in the present case, on 01.09.2023, co-accused Aman Kumar, Priyanshu Kumar and other surrounded the informant and his nephew. It is further alleged that co-accused Aman Kumar fired from his pistol which hit on the eyebrow of the informant and co-accused Priyanshu Kumar also fired from his pistol which hit on the chest of informant's nephew.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case due to dirty village politics. He further submits that from perusal of the FIR it appears that petitioner was not present at the time of encirclement of informant and his nephew. Petitioner was also not present when the firing was made by co-accused Aman Kumar and Priyanshu Kumar. In this way, petitioner is not in any way connected with the alleged occurrence for which the present case has been lodged.



Learned counsel further submits that though petitioner was earlier made accused in Muffasil P.S. Case No. 529 of 2023 filed by the nephew of the present informant in which petitioner has already been granted bail which has been mentioned in para-3 of the bail petition. He further submits that no specific overt-act has been attributed against the petitioner and the allegation of firing is against co-accused Aman Kumar and Priyanshu Kumar. Petitioner is in custody since 13.09.2023.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, no specific overt-act has been attributed against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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, Motihari, East
Champanan in connection with Motihari Muffasil P.S.
Case No. 631 of 2023, 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) Petitioner 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 petitioner tampers with the evidence
or the witnesses, in that case, the prosecution will be at
liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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