

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74374 of 2023

Arising Out of PS. Case No.-394 Year-2020 Thana- GAYA MUFASIL District- Gaya

Vikas Kumar, son of Upendra Mehta @ Biltan Mehta, resident of Mohalla-
Sudhi Tola, P.S- Muffasil District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 394 of 2020, registered for the alleged offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, in the background of previous altercation, the petitioner and co-accused came to the petrol pump of the informant and resorted to unprovoked firing. Their act was captured in CCTV and they were identified on the basis of its footage.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against the



petitioner and co-accused and no specific act has been attributed to him. No recovery has been made from this petitioner. The petitioner has been made accused only on the basis of CCTV footage and it is merely the suspicion of the informant which is the basis for implication of the petitioner. No injury has been caused in the firing allegedly made by the petitioner and the co-accused. The petitioner has not been put to any Test Identification Parade till date. The petitioner is in custody since 22.06.2023 and charge sheet has been submitted. The petitioner is having criminal antecedents of four cases and he is on bail in two such cases.

5. Learned APP opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made hereinabove and considering the nature of allegation and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Muffasil P.S. Case No. 394 of 2020, subject to the conditions mentioned in Section 437 (3) of the



Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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