

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8 of 2023

Arising Out of PS. Case No.-488 Year-2020 Thana- BIDUPUR District- Vaishali

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VIKASH KUMAR S/o Shivjee Rai @ Shivji Ray R/o village- Bidupur Dih,
P.S.- Bidupur, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Learned counsel for the petitioner is permitted to

make necessary correction in paragraph-3 of the bail petition

during course of day.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since

16.08.2022 in connection with Bidupur P.S. Case No. 488/2020,

F.I.R. dated 13.11.2020, for the offences punishable under

Sections 341, 324, 307/34 of the Indian Penal Code and Section

27 of the Arms Act.

According to prosecution case, while the informant

was coming to his house, four unknown accused persons started

firing upon the informant as a result of which he sustained bullet

injuries over his shoulder and stomach.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused, namely, Anant Prakash and except the confessional statement of co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly, co-accused, namely, Raja Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 02.03.2023 passed in Cr. Misc. No.30531/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 16.08.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedent other than the present one.

Considering the aforesaid 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 the learned C.J.M.,



Vaishali at Hajipur in connection with Bidupur P.S. Case No. 488/2020, subject to the following conditions:-

1. Petitioner 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 tampers with the evidence or the witnesses, 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 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. 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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