

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2571 of 2023

Arising Out of PS. Case No.-386 Year-2021 Thana- HARSIDHI District- East Champaran

Vivek Singh, S/o Late Gorakh Singh, Resident of Village- Makari Mahuawa,
P.S.- Piprakothi, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Abhishek Kumar, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Harsidhi P.S. Case No. 386 of 2021 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

It is alleged that while the son of the informant was returning from block office, in the meanwhile, two persons came on a motorcycle, made indiscriminate firing, due to which his son sustained firearm injury and in course of treatment he



died. It is also alleged that the informant son was RTI worker and previously had filed cases for removal of encroachment that might be one of the reason of his killing by hatching a conspiracy with encroachers.

Submissions has been made on behalf of the petitioner that the FIR has been instituted against unknown persons, however, the name of the petitioner has sprung up on the basis of the confessional statement of co-accused persons, namely, Manish Kumar @ Manish Patel, Abhimanyu Singh, Ajay Singh and Sachin Singh out of whom co-accused Abhimanyu Singh, has been enlarged on bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 26859 of 2022 vide order dated 31.08.2022. Further submissions has been made that other person whose name also transpired on the confessional statement of the co-accused person, they have been allowed the privilege of anticipatory bail by learned co-ordinate Bench of this Court, the copies of which have also been brought on record by way of Annexure 3 to the application. It is also submitted that only on account of his past criminal antecedent his name has been implicated in this case, without there being any cogent material. Now the petitioner is in custody since 07.07.2022.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the petitioner is carrying eight criminal antecedent besides the present one, over his head and he appears to be a habitual offender.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is no eyewitness to the alleged occurrence and the co-accused persons on whose confession the name of the petitioner has transpired, has been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds 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 Champaran in connection with Harsidhi P.S. Case No. 386 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

