

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19344 of 2024

Arising Out of PS. Case No.-46 Year-2021 Thana- BARGAINIA District- Sitamarhi

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Vivek Kumar @ Vivek Chaudhary Son of Vinay Chaudhary Resident of
Village-Dumarbana, Ward No.. 06, Police Station-Bairgania, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar, Advocate
	:	Mr. Vibhuti Kumar, Advocate
For the Opposite Party/s	:	Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2024 Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Bairgania P.S. Case No. 46 of 2021 registered for the

offence under Section 302/34 and 120 (B) of the Indian

Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is not named in the

F.I.R. and is in custody since 11.06.2021.

4. The allegation against the petitioner is to

commit murder of the son of the informant, along with



other co-accused persons, due to previous enmities, by causing fire arm injuries.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and his name surfaced on the basis of confessional statement of co-accused, namely, Himanshu Jha, and in furtherance thereof, no incriminating material recovered/surfaced which may connect petitioner, *prima facie*, with the present set of occurrence/murder. It is further submitted that said co-accused person, Himanshu Jha, has already granted bail by this Court through Cr. Misc. No. 43915 of 2022 vide order dated 18.11.2022. It is further submitted that despite of the eye-witness of the occurrence, the petitioner was never asked to join TIP, so as to connect with the present set of occurrence. It is further submitted that from the thrust of allegation as alleged through FIR, enmities with deceased appears with other co-accused persons, namely, Bamshankar Choudhary, Manoj Gupta and



Hardev Naryan Prasad, who had threaten the deceased to face dire consequences, without naming petitioner. While concluding the argument, it is submitted that petitioner found involved in three more cases, where he is on bail and moreover investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as nothing surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present set of occurrence/murder coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bairgania P.S. Case No. 46 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned 2nd
Additional District and Sessions Judge,
Sitamarhi/concerned court, subject to the conditions as
laid down under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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