

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30323 of 2024

Arising Out of PS. Case No.-1037 Year-2023 Thana- BIHTA District- Patna

Vikas Kumar @ Vikas Singh s/o- Bindeshwar Singh R/O- Village - Bindaul,
P.S- Bihta, Distt- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishikant, Adv.

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bihta P.S. Case No. 1037 of 2023 registered for the offences punishable under Sections 147, 148, 149, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the accused persons including the petitioner is of firing with a country made pistol upon the Informant but, he escaped narrowly. Two empty cartridges were also alleged to have been recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case due to village politics and enmity with the Informant. The present case has been filed by the Informant with a view to save skin from a case bearing Bihta P.S. Case No. 637 of 2019 lodged by the brother of the petitioner Monu Kumar against the Informant of this case. There is an ongoing land dispute being Title Suit No. 37 of 2019 between the parties. There is an unexplained delay of three days in filing of the present case. There is no allegation of firing attributed against the petitioner. The Informant has not sustained any injury and the allegation made against the petitioner is general and omnibus in nature. Nothing incriminating has been found from the conscious possession of the petitioner. The petitioner was neither present at the place of occurrence nor is in any way concerned with the occurrence. There is also no independent witness to the alleged occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has three criminal antecedents as has been stated in paragraph no.3 of the present anticipatory application.

5. Learned counsel for the petitioner further submits that the co-accused Niraj Singh has been granted regular bail by this Court vide order dated 06.05.2024 passed in Cr. Misc. No.



32496 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, submitting that the petitioner is the named accused in the F.I.R. and also has criminal antecedents.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner and there being no specific allegation against the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihta P.S. Case No. 1037 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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