

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35630 of 2024

Arising Out of PS. Case No.-358 Year-2023 Thana- MAHARAJGANJ District- Siwan

Vikash Singh @ Vikash Kumar Singh S/o- Vijay @ Vijay Singh Resident of
Village- Sihauta P.S-Maharajganj Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr. Arvind Kumar Sinha, learned counsel for
the petitioner and Mr. Rajesh Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Maharajganj P.S. Case No. 358 of 2023, F.I.R. dated 27.12.2023 registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with other co-accused persons fired upon the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further



submits that from perusal of the F.I.R. it appears that there is no specific allegation attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner that they have all fired upon the informant and the informant has not received injury.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the facts and circumstances of the case and the fact that there is no specific allegation of firing attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner as well as informant has not received any injury, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Siwan in connection with Maharajganj P.S. Case No. 358 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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