

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49038 of 2024**

Arising Out of PS. Case No.-961 Year-2023 Thana- NAGAR District- Vaishali

Vikash Kumar @ Nanki @ Kallu Son of Chandradip Singh @ Chandradeep
Singh R/O Vill.- Dilawarpur Govardhan, P.S.- Bidupur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kr. Singh, Adv.

Mr. Rikesh Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 17-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Hajipur Town P.S. Case No. 961 of 2023 for the offences punishable under Sections 307/34 of the I.P.C. read with Section 27 of the Arms Act, lodged on 28.11.2023 by the informant, Rishav Kumar.

3. As per the prosecution story, the informant alleged that when he was present at Reeta Palace Marriage Hall, three accused on a black motorcycle, opened fire which did not hit him. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, the petitioner has been



implicated. The fact remains that the alleged occurrence took place at 10:00 am but the F.I.R. was lodged on 05:30 pm and no reason has been assigned. The petitioner has already suffered by being in custody since 01.04.2024.

5. Learned APP for the State opposes the prayer for bail stating that the petitioner is one of the three accused who opened fire.

6. Considering the aforesaid submission put forward by the parties, the allegation is there, the petitioner has remained in custody since 01.04.2024, as undertaken by the learned counsel for the petitioner, he shall be diligently appearing in the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 961 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates



without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J.)

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