

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50179 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- VIJAYEPUR District- Gopalganj

1. Vikash Singh Son of Shri Shiv Nath Singh Resident of Village - Teghara, P.O.- Sallahpur, Police Station - Bhatani, District - Deoria (U.P.).
2. Vinit Singh Son of Shri Bachcha Singh Resident of Village - Teghara, P.O.- Sallahpur, Police Station - Bhatani, District - Deoria (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 27-09-2024 Heard Mr. Shiv Sager Sharma, learned counsel for

the petitioners and Mr. Raj Ballabh Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Vijaypur P.S. Case No. 167 of 2023, F.I.R. dated 26.06.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 427 and 120(B) of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons in conspiracy to each other have committed murder of the brother of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute



between the parties. He further submits that from a bare perusal of the FIR it appears that the present FIR is in two parts, in the first part there is general and omnibus allegation against all the accused persons including the petitioners and in the second part there is specific allegation of assault is attributed against the co-accused persons, namely, Amrendra Yadav and Birbal Yadav. He further submits that the co-accused person, namely, Amrendra Yadav has already been granted the privilege of anticipatory bail by this Court vide order dated 28.06.2024 passed in Cr. Misc. No. 24153 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the petitioners having clean antecedent, there is no specific allegation of any assault or overt act is attributed against the petitioners and co-accused person has already been granted the privilege of anticipatory bail by this Court, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned A.C.J.M.-XIV, Gopalganj in connection with Vijaypur P.S. Case No. 167/2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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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