

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69505 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- Keoti District- Sheikhpura

Vijay Kumar Sharma @ Botal Singh @ Vinay Kumar Sharma Son of Late
Naresh Singh Resident of Village- Keoti, P.S.- Keoti, Distt.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Keoti P.S. Case No. 27 of 2024 for the offence punishable under sections 109/3(5) of Bharatiya Nyaya Sanhita and section 27 of the Arms Act, lodged on 23.07.2024 by the informant, Rajesh Kumar.

3. As per the prosecution story, the informant alleged that while he was going to the court to attend the case, the accused persons were hiding behind a travelers shade and this petitioner raised alarm about their arrival which led Gopal Kumar to open fire which hit the father of the informant, Gopal Kumar, Pintu Kumar and Bilash Yadav also resorted to firing and they had to rush out of the said place to save themselves. The father of the informant was taken to the Barbigha Hospital



and from there to Pawapuri Hospital and thereafter shifted to a private hospital of Begusarai. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that admittedly, main accused is Gopal Kumar who opened fire hitting the father of the informant, though, there is allegation of raising alarm, no overt act is attributed against this petitioner in any case, has remained in custody since 24.07.2024 (paragraph no.12 of the petition).

5. Learned APP opposed the prayer submitting that it was on his alarm that the accused got alerted and opened fire which injured the informant's father.

6. Considering the submissions put forward by the parties as also the fact that main accused in this case is Gopal Kumar who opened fire, the petitioner has remained in custody since 24.07.2024 and will be appearing in trial, this Court is inclined to extend him the privilege of bail.

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, Sheikhpura, in connection with Keoti P.S. Case No. 27 of 2024, 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/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and 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 one year to mark his attendance;

(iv) the petitioner shall in no 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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