

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74384 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- SUGAULI District- East Champaran

Vishal Kumar Singh @ Vijay Pal Singh @ Vijay Singh, S/o - Vijay Kumar Singh, Village- Chikni, PS- Haraiya (Raxaul), Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajkumar Rajesh, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-12-2024 Heard Mr. Rajkumar Rajesh, learned Advocate appearing on behalf of the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State. The informant is represented through Mr. Ajay Kumar Singh, learned Advocate.

2. The application for grant of bail to the petitioner who is in custody in connection with Sugauli P.S. Case No. 65 of 2024 registered for the offence punishable under Sections 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly while the husband of the informant was going to Motihari in his car and when he reached near toll tax, at Sugauli, at about 01:00pm, some of the miscreants surrounded him and made indiscriminate firing resulting into his death.



4. Learned Advocate appearing on behalf of the petitioner contended that admittedly the FIR has been instituted against unknown miscreants, however, during the course of investigation when the statement of the informant was recorded by the police, she narrated that her husband was indulged in real estate business and soon before the occurrence, he had gone to the land which was purchased by him, where he met with co-accused Santosh Singh @ Santosh Kumar Singh, with whom the deceased had some dispute and later on, he was done to death. On the basis of the afore-noted information, co-accused Santosh Singh @ Santosh Kumar Singh and other co-accused persons were apprehended. On the confessional statement of co-accused person, the arms which is said to have been used in the crime, has been recovered from the house of the petitioner. Learned Advocate for the petitioner submitted that save and except the confessional statement leading to the recovery of arms, there is no material suggesting that the petitioner is the person who has caused the death of the deceased.

5. So far the alleged recovery of arms is concerned, for the said occurrence, one another FIR has been instituted bearing Raxual P.S. Case No. 43 of 2024. While granting bail in the said case in Criminal Miscellaneous No. 62267 of 2024 vide



order dated 20.09.2024, this Court has taken note of the fact that the seizure list witnesses are two constables who were the members of the raiding party and there is no service of copy of the seizure list to any of the family members of the petitioner. In the aforesaid premise, the petitioner was granted bail. It is further contended that had the alleged arms been recovered from the house of the petitioner, there would have been signature of any of the family members over the seizure list or the copy of which has been given to the petitioner or any family members, but that has not been done. Moreover, the co-accused Santosh Singh @ Santosh Kumar Singh against whom a serious allegation has been levelled in the re-statement of the informant, he has been allowed the privilege of bail by this Court in Criminal Miscellaneous No. 34904 of 2024 vide order dated 26.07.2024. It is lastly contended that except the present case besides the Raxaul P.S. Case No. 43 of 2024, the petitioner has had no criminal antecedent, moreover, the entire case is based on confessional statement and suspicion which is yet to be proved in the trial. Now the petitioner has been incarcerated since 13.08.2024.

6. On the other hand, learned Additional Public Prosecutor for the State and the informant vehemently opposes



the bail application and submits that a recovery of the arms which is said to have been used for the purposes of crime speaks loud about the involvement of the petitioner. The co-accused persons have confessed about the involvement of the petitioner in the crime, wherein a person has been done to death in a broad daylight. It is also the contention of the learned Advocate for the informant that the call details report also suggest that prior to the occurrence, the petitioner was in touch with the shooters.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that co-accused person namely Santosh Singh @ Santosh Kumar Singh, on whose confession the name of the petitioner has surfaced, has already been allowed the privilege of bail. Moreover, the manner in which the recovery of the arms has been made, not appreciated by this Court, resulted into granting of a regular bail in Raxaul P.S. Case No. 43 of 2024, prior to these two cases, arising out of the same occurrence, the petitioner had no criminal antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Sugauli P.S. Case No. 65 of 2024, subject to the condition that one of the bailors



will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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