

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85627 of 2024

Arising Out of PS. Case No.-286 Year-2023 Thana- ALAMNAGAR District- Madhepura

Bikash Kumar Singh @ Vikas Kumar Singh S/O Sanjeet Singh @ Tager Singh R/O Village- Noniyachak, Piperpanti Tola (Gangapur), P.S- Ratwara, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Alamnagar P.S. Case No. 286 of 2023 instituted for the offences under Sections 341, 326, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, on the alleged date and time of occurrence, all the accused persons including the petitioner fired upon the Informant with an intention to kill him and fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



There is a case and counter case between the parties. He further submits that there is no eye-witness to the alleged occurrence. Even the Informant has not mentioned specifically as to who fired upon the deceased or the e-rickshaw driver. There is an inordinate delay of two days in filing the written petition before the police which creates doubt in the prosecution case. There is no direct or specific allegation of firing against the petitioner rather the same is general and omnibus in nature. No specific overt act is also alleged against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 24.06.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Sanoj Singh @ Sanoj Kumar has already been granted bail by this Court vide order dated 12.11.2024 passed in Cr. Misc. No. 79617 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, there being no specific or direct allegation of firing against the petitioner, the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner,



abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Alamnagar P.S. Case No. 286 of 2023.

(Rudra Prakash Mishra, J)

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