

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23855 of 2025

Arising Out of PS. Case No.-32 Year-2019 Thana- BHAGWANPUR District- Vaishali

Vivek Kumar @ Guniya Singh @ Muniya Singh Son of Tilak Singh Resident
of Village- Imadpur, P.S.- Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-05-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 386,
307 and 34 of the Indian Penal Code as well as Section 27 of the
Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that Vicky Singh and Ravi Kumar demanded extortion of
Rs.25,000/- on 15.02.2019. Further, on 16.02.2019 the named
accused persons including the petitioner came and started firing
indiscriminately causing injury to Tribhuwan Mishra,
Raghvendra Mishra and Vinay Mishra. On hearing the sound of
firing, people started gathering when the accused fled away and
the injured were taken to the Sadar Hospital, Hajipur.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that Vijay Mishra from the side of the informant and his associates had come to the house of the petitioner on 15.02.2019 and had misbehaved with the female members of the family for which a complaint was sent to the Superintendent of Police, Hajipur on 16.02.2019 but then no action was taken. It is further submitted that the side of the informant had put the house of the petitioner on fire on 15.02.2019. It is next submitted that allegation of firing is not specific though it is alleged that three persons received firearm injury but then the police after investigation submitted charge-sheet against the persons who were apprehended. It is also submitted that the apprehended accused faced full fledged trial and they were acquitted of the charges. It is submitted that since similarly situated co-accused have been acquitted of the charges whether it would be prudent for this Court to send the petitioner to jail when investigation against the petitioner is still continuing and the police never made any endeavours to arrest the petitioner nor sought process under Sections 82 and 83 of the Cr.P.C.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bhagwanpur P.S. Case No. 32 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if charge-sheet is submitted against the petitioner and the learned trial court comes to a conclusion that the petitioner is delaying the trial of the case in any manner, in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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