

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87955 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- MAJORGANJ District- Sitamarhi

Vivek Kumar @ Pintu, Male, aged about 22 years, S/o- Dharmendra Tiwari,
R/O Village- Khairawa, P.S.- Majorganj, Dist- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Uday Kumar, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Majorganj P.S. Case No. 145 of 2024 dated 24.04.2024
registered for the offences punishable under Sections 393, 307
of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 19.04.2024 at about
2.50 P.M., while the informant was going to Riga after
exchanging Rs. 1,60,000/- Nepali Currency into Indian
Currency to purchase some goods, in the meantime, three
unknown miscreants overtook his motorcycle and when the
informant did not stop, one of the miscreants fired on the
informant, due to which, he sustained a bullet injury in his



stomach. On screaming made by the informant, the miscreants fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of the confessional statement of the co-accused Anish Singh which has got no evidentiary value in the eyes of law. No looted article has been recovered either from the possession of the petitioner or from his house. The petitioner has not been put on T.I. Parade up till now. The charge sheet has been submitted under Section 394 of the I.P.C. and Section 27 of the Arms Act against the petitioner. It is further submitted that during the course of investigation, not a single witness has claimed to see the petitioner in the alleged offence but the police after investigation submitted charge sheet against the petitioner. It is submitted that the other co-accused person, namely, Rajiv Paswan, has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 2992 of 2025 under order dated 05.02.2025. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 27.08.2024.



5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Sitamarhi in connection with Majorganj P.S. Case No. 145 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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