

In the Court of Additional Sessions Judge-V, Danapur
Session Trial No. 730 of 2021
(Arising out of Dulhin Bazar P.S. Case No. 205 of 2018)

21.06.2022

The bail petition dated 07.04.2022 has been filed on behalf of the accused-petitioner namely Vishal Kumar, son of Yogendra Yadav @ Ravindra Yadav, R/o Village-Akuri, P.S. Paliganj, District-Patna has been pressed today. A copy of the bail petition has already been served to the learned Addl. P.P.

The petitioner is in judicial custody since 06.01.2021 in connection with Dulhin Bazar P.S. Case No. 205 of 2018 for the offence under Sections 307/34 of I.P.C. & Section 27 of Arms Act.

Heard Sri Sheo Murti Singh on behalf of the accused-petitioner, learned Addl. P.P. on behalf of the State.

The prosecution story, in brief, is that an F.I.R. has been lodged on the written complaint of the informant Rajnikant Kumar alleging that he is the Supranch of Ular Sorampur Panchayat. On dated 26.07.2018 he went to Sorampur from Dulhin Bazar through Motorcycle along-with his co-villager Bimal Das. When he reached ahead Pathak Milki Village, two miscreants intercepted him and shot fire upon him, which hit in his right back side. Thereafter, he fled away from there and informed his relatives. He claimed that the accused persons fired upon hi with intention to kill him and further stated that he could not identify that persons, who fired upon him, but could be identified when seen again.

The learned counsel for the accused-petitioner submitted that the petitioner is quite innocent and has committed no offence. The petitioner has falsely been implicated in this case due to ill motive jealous attitude and merely on suspicion. The petitioner has not named in the FIR, his name has been brought on the basis of confessional statement of co-accused Dipu Kumar who arrested in Dulhin Bazar P.S. Case No. 295/2018, whose no evidentiary value in eye of law and facts except the confessional statement of co-accused made before the police, there is no other material to implicate the petitioner in this case. The petitioner has been rotting in jail custody since 09.10.2020 while he remanded in this case on 06.01.2021 without any rhyme and reason. There is no T.I.P made by the I.O of this case. The petitioner has also made an accused in 1. Phulwari Shari P.S. Case No. 534/2020, 2. Phulwari Sharif P.S. Case No. 509/2021, 3. Dulhin Bazar P.S. Case No. 216/2018, 4. 295/2018 and 5. Maner P.S. Case No 89/2017. There are no other cases pending against the petitioner prior to these cases. That earlier the petitioner has filed an application for regular bail before the learned court of A.D.J.-I, Danapur, where the withdrawal petition has been filed on 01.03.2022.

Learned Addl. P.P fairly submitted that the name of the petitioner has been surfaced only on the confessional statement of co-accused. The co-accused persons has been granted bail by the learned A.D.J.-I, Danapur. The case of petitioner is on similar footing.

I have heard the rival submissions of both the parties and perused the case record. The petitioner is not named in the F.I.R. During the course of investigation the name of the petitioner has been surfaced as confessional statement of co-accused. The co-accused persons has been granted bail by the learned A.D.J.-I, Danapur. The charge sheet has been submitted against the petitioner and the petitioner is in custody since 06.01.2021. The petitioner has criminal antecedent. Considering the aforesaid facts and circumstances of the case, submission made by both the parties and the petitioner is in judicial custody since 06.01.2021, I am inclined to enlarge the petitioner on bail. Accordingly, prayer of the bail of the petitioner namely Vishal Kumar is hereby allowed. Accused-petitioner is enlarged on bail after furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of this court with further conditions are (1) That one of the bailors will be a close relative of the accused-petitioner, (2) The petitioner-accused will co-operate in trial. (3) The petitioner-accused will physically present before the court on each and every date till final disposal

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of this case and (4) Accused-petitioner as well as sureties for the purpose of identification will produce documents either Aadhar Card, or Voter I-Card and Mobile numbers before the court at the time of furnishing bail bond. True copy of above described documents after comparing with original documents and the same will be kept in record.

Any observation made herein will be inconsequential during trial or any further stage of this case.

(Dictated)

Sd/-
Additional Sessions Judge-V
Danapur
21.06.2022