

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11849 of 2015

Arising Out of PS.Case No. -231 Year- 2014 Thana -AGAMKUAN District- PATNA

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Vicky Kumar @ Vivek Kumar, Son of Manoj Prasad Sinha, R/o
Bahadurpur Housing Colony, P.S. Agamkuan, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sadanand Paswan, Spl.APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 27-05-2015 Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 302, 328, 323, 120B/34 of the Indian Penal Code as also under Sections 3(1)(x) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989.

Though the petitioner, besides three other persons, is named in the FIR vide Annexure-1 as an accused and allegations against all of them are almost identical and similar save and except the petitioner is alleged to have assaulted the deceased by fists, but taking into consideration the fact that co-accused Binod Kumar and co-accused July Devi with almost identical and similar allegations have already been granted bail by a Bench of this Court by an order dated 28.01.2015 passed in Cr.Misc.No.38189 of 2014 (Annexure-3) and further taking into consideration the fact that, on close of investigation, charge-sheet was submitted only under Section 304/34 of the Indian Penal Code and under Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act and also taking into consideration the fact that the petitioner is in

judicial custody since 26.06.2014 and he is said to be the first offender, his prayer for bail is allowed.

The petitioner above named is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Patna City, Patna in connection with Agamkuan P.S.Case No.231 of 2014, subject to the conditions that:

- (a) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (b) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (c) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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