

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42383 of 2014

Arising Out of PS.Case No. -22 Year- 2013 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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Vikash Kumar @ Vikash Gope, son of Arvind Prasad, Resident of village
Rupaspur, Police Station Karaiparsurai, District- Naland.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Ram Sewak Choudhary (APP)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 28-01-2015 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is an accused in connection with S.
Tr. No. 680 of 2013/ Tr. No. 337 of 2013 arising out of Chandi
P.S. Case No. 22 of 2013 registered under Section 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that
prayer for bail of the petitioner was earlier rejected vide order
dated 30.01.2014 passed in Cr. Misc. No. 30475 of 2013 by this
Court. It is further submitted that petitioner is in custody since
21.03.2013. It is also submitted that petitioner is not named in the
F.I.R. rather his name has come in the confessional statement of
co-accused, Lalan Yadav, who is said to be apprehended by the

people near the place of occurrence, and also disclosed the name of petitioner along with Anuj Choudhary, Rakesh Mahto and Lambua with further contention that Anuj Choudhary, shot fire at the deceased, brother of informant. It is further submitted that in course of investigation Rakesh Mahto, Shayam Gope, Anuj Choudhary, Rakesh Kumar and the petitioner were put on T.I. Parade, in which, informant, Ravindra Singh, identified the aforesaid persons which would appear from paragraphs 233 to 236 of the case diary but he specifically stated that co-accused, Shayam Gope, shot fire causing death to his brother Amarjit Kumar. In the postmortem report, only one firearm injury was found, as such, the petitioner is only the members of the unlawful assembly without any overt act.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional District Judge-Ist, Hilsa, Nalanda in connection with S. Tr. No. 680 of 2013, Tr. No. 337 of 2013 arising out of Chandi P.S. Case no. 22 of 2013.

(Rajendra Kumar Mishra, J)

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