

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22688 of 2017

Arising Out of PS.Case No. -144 Year- 2016 Thana -SANDESH District- BHOJPUR

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Vikash Kumar, Son of Binesh Singh, Resident of Village- Kori, P.S. Sandesh, Dist- Bhojpur (Ara).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajkishore Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-06-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 28.11.2016 in connection with Sandesh P.S. Case No. 144 of 2016 registered for the offence punishable under Sections 341, 323, 337, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that the accused persons were putting khutta on the government land to which aunt of the informant protested, upon which they started abusing and assaulting her. In the meantime, informant came to pacify the matter, but the accused persons also assaulted the informant with lathi and danda and accused Pintu Kumar came



with pistol and opened fire, as a result of which he sustained injury in his thigh. Thereafter, petitioner also fired upon the informant causing injury in his hydrocele. Accused Mukesh Kumar also fired, which did not hit any one. Accused persons also started brick-batting, as a result of which other members of his family got injured.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he has no criminal history and a counter case bearing Sandesh P.S. Case No. 145 of 2016 has been lodged by petitioner's side, namely, Binda Kumar in which there was assault and cross firing between both the sides, as there was previous enmity between the parties. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that many of the witnesses have supported the prosecution case and the allegation is that the petitioner fired on the informant which hit him on the hydrocele. He further submits that the injury found on the informant has been stated to be grievous in nature.

Considering the facts and circumstances and the materials on record, petitioner above named shall be released on



bail after completion of nine months in custody from the date of remand in this case on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Sandesh P.S. Case No. 144 of 2016, since on similar allegation another co-accused has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 3477 of 2017 on 23.02.2017 on completion of nine months in custody, subject to the condition that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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