

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20721 of 2017

Arising Out of PS.Case No. -612 Year- 2016 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. VIKASH KUMAR @ BIKASH KUMAR Son of Birendra Kumar,
Resident of Village- Lodipur, P.S.- Town, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Adv.
For the Opposite Party/s : Mr. Binay Krishna, APP
For the Informant : Mr. Bhola Prasad.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-05-2017 The petitioner is in custody since 13.09.2016 in connection with Vaishali Town P.S. Case No. 612 of 2016, registered for offences punishable under Sections 448, 147, 148, 149, 341, 323, 352, 307, 504, 506 and 302 Indian Penal Code and Section 27 of the Arms Act.

Petitioner is named in the F.I.R and there is allegation against the petitioner that he along with other co-accused persons variously armed went to the house of informant and started abusing him and on protest, one of the co-accused persons assaulted the father of informant on his head and when the informant came for rescue of his father, petitioner assaulted the him by rifle's butt.



It has been submitted on behalf of the petitioner that the allegation of assault to the father of informant is on other co-accused persons and allegation against the petitioner is of assault to the informant and that too is not true as no injury was found on the person of the informant. Petitioner has been languishing in judicial custody since 13.09.2016.

Learned counsel for the State as well as learned counsel for the informant opposed the prayer for bail on the ground that petitioner has criminal antecedents and he is a habitual offender and, therefore, does not deserve the privilege of regular bail.

Having heard both sides, considering the fact that there is no allegation against the petitioner of assault to deceased rather allegation of assault against the petitioner is on the informant but the injuries are found to be simple in nature, as such, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, in connection with Vaishali Town P.S. Case No. 612 of 2016, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the



concerned Court.

- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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