

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17054 of 2018

Arising Out of PS. Case No.-170 Year-2016 Thana- IMAMGANJ District- Gaya

Vikash Kumar @ Vikash Thathera Son of Hira Lal @ Hira Lal Thathera
Resident of Village- Babhandih, P.S. Imamganj, District- Gaya. Under
Guardianship of his Father Hira Lal @ Hira Lal Thathera, S/o Mahavir Saw,
Resident of Village- Babhandih, P.S. Imamganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar -2, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

This is the second round of litigation. Earlier the prayer for bail of the petitioner was rejected vide order dated 06.09.2017 passed in Cr. Misc. No. 37119 of 2017. Petitioner is languishing in judicial custody since 28.06.2017 in connection with Juvenile Trial No. 13 of 2017 arising out of Imamganj P.S. Case No. 170 of 2016 registered for the offence punishable under Sections 448, 342, 324, 326 and 307 of the Indian Penal Code. Later on, Sections 302/34 of the Indian Penal Code has been added.

The prosecution case, as lodged by the informant, is that while his aunt Kamla Devi was sleeping, two unknown



persons came and stabbed her. She was brought to the primary health centre and thereafter referred to the hospital where she underwent treatment and made statement that co-accused Ajay Thathera had stabbed her while petitioner was an order giver. However, she succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the main accused named by the deceased has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 59944 of 2017 vide order dated 17.01.2018 and that the petitioner undertakes to cooperate in the trial on day to day basis.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail 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 1st Additional Sessions Judge, Gaya in connection with Juvenile Trial No. 13 of 2017 arising out of Imamganj P.S. Case No. 170 of 2016, subject to the conditions



that:

(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(2) The petitioner will appear before the learned Court below on each and every date 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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