

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5123 of 2019

Arising Out of PS. Case No.-557 Year-2018 Thana- BIHARSHARIF District-
Nalanda

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Vikash Kumar aged about 32 years, Male, son of Vijay Kishor Prasad,
Resident of Mohallah- Ambed Kachahari Mode, P.S. Bihar, District-
Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Binit Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 498(A), 379, 420, 504/34 of the
Indian Penal Code registered in connection with Bihar P.S. Case
No. 557 of 2018.

3. It is submitted that the petitioner is the step-son of
the informant and has been falsely implicated. After about 20
years since his father married the petitioner's step-mother, it has
been alleged that the petitioner's father has transferred his four
storied building in favour of the petitioner. The informant has not
shown any independent right over the said property. The
accusations of assault and attempt to strangle the informant



at the hands of the petitioner and his father are not supported by the F.I.R. in which Section 307 of the IPC has not been invoked, nor any injury report has been brought on record to substantiate the allegation of assault. The accusation under Section 498(A) of the Indian Penal Code are not applicable against the petitioner. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appears and have been heard.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 557 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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