

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67672 of 2018

Arising Out of PS. Case No.-472 Year-2017 Thana- BARAUNI District- Begusarai

Vikky Kumar S/o Sanjay Rai @ Birju Rai, Resident of Village- Simariyaghat,
P.S.- Barauni Chakiya O.P., District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Respondent/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 15-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Barauni P.S. Case No. 472 of 2017** registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Informant is the wife of deceased who in her written complaint made on 08.12.2017 has stated that while her husband Radhe Shyam Mahato had gone on 07.12.2017 at about 3:00 pm to irrigate the field and was returning at about 6:30 pm from his field to house, FIR named accused made indiscriminate firing upon her husband as a result of which he died on the spot.

It has been submitted on behalf of petitioner that the incident is of 07.12.2017 at about 6:30 pm, however, FIR has been registered on 08.12.2017 at about 4:45 pm. Although police had reached the place of occurrence on same day soon



after the incident and inquest report was prepared at about 8:30 pm on 07.12.2017 in which FIR number has been given as 472 of 2017 dated 08.12.2017 which makes the FIR doubtful and afterthought. Petitioner has got no criminal antecedent and is in custody since 04.06.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Begusarai**, in connection with **Barauni P.S. Case No. 472 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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