

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45390 of 2019

Arising Out of PS. Case No.-850 Year-2018 Thana- MASAUDHI District- Patna

VIKASH KUMAR @ VIKASH CHAUDHARY @ JITAN Son of Ashok
Chaudhary @ Chhotu. Resident of- Kashmirganj Masaurhi, P.S.- Masaurhi,
District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Sharma

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 25-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201, 120(B)/34 of the
Indian Penal Code.

The petitioner and others took the deceased from
his house to play gamble. In the play, the deceased won and
others were loser. Hence, all started assaulting him and the
petitioner allegedly caused dagger blow, as a result whereof son
of the informant died.

Submission is that there is no eyewitness of the
occurrence of murder. Only circumstance is last seen when the
petitioner and others had taken the deceased for playing gamble.



Thus, initial intention was apparently not to commit murder, even if the aforesaid prosecution allegation is assumed to be correct. Petitioner is in custody since 14.11.2018. Investigation of the case is already complete.

Considering the fact that there is no direct evidence against the petitioner, let the petitioner, above named, be released on bail *after framing of the charges* on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Masaurhi Police Station Case No.850 of 2018, subject to following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned court below having immovable property.

(b) The petitioner shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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