

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5875 of 2020

Arising Out of PS. Case No.-188 Year-2018 Thana- NOKHA District- Rohtas

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Vikash Kumar S/o Chahar Singh @ Chanar Singh Resident of Village -
Indrahiya, P.S. - Sasaram (M), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-06-2020 The matter has been taken up through virtual Court proceeding.

It appears that vide order dated 03.02.2020, the case diary of Nokha P.S. No. 188 of 2018 was called for, which has been received but the same does not contain the postmortem report for which correspondences were made and vide letter dated 02.03.2020, the S.P., Rohtas has informed that till date, the dead body of the victim has not been recovered and hence, postmortem could not be done.

Heard learned Senior counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since



16.10.2019 in a case registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Section 27 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Sumitra Devi submitted to the Station House Officer, Nokha P.S., is to the effect that on 10.07.2018 at 1.00 A.M., one person namely, Saroj, he was along with 15 other persons armed with rifle came inside the house and started searching for the nephew of the informant, Vivek. The informant conveyed that she does not know the whereabouts of Vivek, thereafter, they went to nearby temple where the victim was sleeping and the petitioner along with the 15 accused persons shot at Vivek and dragged him up to 500 feet. It is specifically alleged that four accused persons namely, Saroj Singh, Vikash Singh, the petitioner, Kedar Pandey and Manjeet Singh shot the victim one by one.

It is submitted by learned counsel for the petitioner that from the FIR itself, it appears that the informant has not seen the whole occurrence. The initial accusation of firing was made against 15 persons and thereafter, it was confined only against four persons including the petitioner. The accusation is omnibus and general and investigation has already been



concluded. It is further submitted that the informant has only seen the dragging of the victim by the petitioner and other co-accused. It is further submitted that cousin brother of the petitioner was killed at the hands of the informant's side for which, Sasaram (M) P.S. Case No. 1360 of 2015 was registered under Sections 302, 147, 148, 149/34 of the Indian Penal Code and Section 27 of the Arms Act. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, co-accused persons Chanar Singh @ Chanardev Singh, Mana Singh, Preme Chand Kumar Singh, Sanjay Baitha, Kedar Pandey, Anti Singh and Sansar Paswan have been granted bail by different Co-ordinate benches of this Court vide Cr. Misc. Nos. 79255 of 2018, 57743 of 2019, 57299 of 2019, 72988 of 2019, 1091 of 2020 and 5716 of 2020.

Learned APP for the State submits that the petitioner is named in the FIR and it is alleged that all the accused persons killed the nephew of the informant.

Considering the fact that the accusation is omnibus and general, the accusation has been levelled in the background of litigated relationship, the investigation has already been concluded and several co-accused persons have been granted bail by Co-ordinate benches of this Court, coupled with the



statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Nokha P.S. Case No. 188 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Nokha P.S. Case No. 188 of 2018.

The learned Court below is at liberty to extend the



period of provisional bail further if the court proceeding in
physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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