

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18668 of 2020**

Arising Out of PS. Case No.-311 Year-2019 Thana- MAHARAJGANJ District- Siwan

Bikesh Kumar, aged about 24 years, S/o Susil Kumar Resident of Village-
Purani Bazar, P.S.- Mahrajganj, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Tiwari, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 01-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Ravindra Kumar Tiwari, learned counsel for the petitioner and Mr. Tarun Prasad Mandal, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Mahrajganj PS Case No. 311 of 2019 dated 02.12.2019 instituted under Sections 302/120B/34 of the Indian Penal Code.

4. The allegation against the petitioner and others is of being part of the conspiracy in killing the son of the informant.

5. Learned counsel for the petitioner submitted that the specific allegation of the informant is that co-accused



Ashwini Kumar had shot in the head due to which death occurred. It was submitted that even in the FIR it was only stated that at 4:00 pm on the said day, the petitioner along with Ashwini Kumar and one Kishan Babu were seen in the market place with the deceased and the incident is said to have taken place at 7:20 pm outside the house of the informant. Learned counsel submitted that in the end the informant has alleged that Ashwini Kumar and five of his family members under conspiracy had killed the son of the informant due to there being property dispute between the parties. Learned counsel submitted that besides being seen with the deceased, that too, more than 3 hours prior to the occurrence and most importantly, the informant specifically stating that it was co-accused Ashwini Kumar who had shot in the head and in the postmortem only one injury being found on the head which is directly and specifically attributable to co-accused Ashwini Kumar, the petitioner has been falsely implicated. It was submitted that co-accused Kishan Babu, who is similarly situated and was arrested on the same day i.e., 03.12.2019, has been granted bail in Cr. Misc. No. 17392 of 2020 by order dated 10.06.2020. It was further submitted that the petitioner has no other criminal antecedent.



6. Learned APP submitted that the petitioner was also one of the persons who was seen with the deceased. However, he could not controvert the fact that the same was more than 3 hours prior to the incident and also that there is specific allegation of only co-accused Ashwini Kumar being present and firing at the head of the deceased due to which he died.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 5th, Siwan in Mahrajganj PS Case No. 311 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates,



without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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