

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27344 of 2020

Arising Out of PS. Case No.-88 Year-2020 Thana- MADHEPURA District- Madhepura

BIKESH KUMAR @ VIKESH KUMAR Son of Lalan Kumar @ Lalan Prasad Yadav Resident of Village- Sukhasan, P.S.- Saharsa, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-10-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Aditya Narayan Singh, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General. Henceforward his name may also be printed in the cause list.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Madhepura PS Case No. 88 of 2020 registered under Sections 341, 323, 307, 34 of the IPC and



Section 27 of the Arms Act.

The prosecution story, in brief, is that on 28.01.2020 at about 8.00 P.M., the informant's son Vikash Kumar was going to Sakhua along with his two friends, namely, Amit Ram and Vivek Kumar, when he reached near Shiv Mandir, Sakhua, three miscreants riding on a Motorcycle tried to stop them, on protest they started to open fire upon them and his son sustained fire arm injury in his left hand and Vivek Kumar also sustained injury in his hand. He further stated that Amit Kumar sustained injury over his head. On hearing sound of firing, nearby people gathered there and they caught them and assaulted. His son and other injured persons were taken to Madhepura Hospital for treatment from where he was referred to Surya Clinic Saharsa for better treatment and they were handed over to the concerned police.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 31.01.2020 and has got no criminal antecedent. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. From perusal of F.I.R. bearing Madhepura P.S. Case No. 87 of 2020, annexed as Annexure-2 to the present application, it appears that a separate case was instituted by the Officer-in-charge of the said police station on the alleged date of occurrence against the local residents of the said area who are said to have assaulted the petitioner and two others under the impression that they are thieves. The said F.I.R. was against 50 unknown persons who are alleged to have assaulted the petitioner and two others. Due to village politics, the present case has been instituted against the petitioner when there is no injury report on the record to support the allegation made in the F.I.R.

Learned APP has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Madhepura in Madhepura PS Case No. 88 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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