

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38148 of 2021

Arising Out of PS. Case No.-156 Year-2020 Thana- IMAMGANJ District- Gaya

Vikash Kumar, S/o Uday Prasad, R/o Village-Babhandeeh, P.S.- Imamganj,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Imamganj P.S. Case No.156 of 2020 registered for the offence
punishable under Sections 302, 34 of the Indian Penal Code.

The informant's son has been found dead in the
field, whereafter prosecution case has been launched alleging
that he has been done to death by the petitioner and two other
co-accused persons, namely, Barun Prasad and one Varsha Devi.
The alleged killing is based on insinuation of the informant's
son with Varsha Devi. Petitioner is stated to be the husband of
the said Varsha Devi.

Petitioner's counsel submits that from the
prosecution case, it is obvious that the same is based only on



suspicion. There is no material on record to show that prior to the killing, the petitioner had any point of time meted out any threat or demonstrated any hostility based on the alleged illicit relation. Having no criminal antecedents, the petitioner is stated to be in custody since 01.09.2020, whereas other co-accused Barun Prasad and Varsha Devi have already been allowed bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Judicial Magistrate 1st Class, Sherghati, Gaya, in connection with Imamganj P.S. Case No.156 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.

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

(Madhuresh Prasad, J)

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