

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.899 of 2021

Arising Out of PS. Case No.-1233 Year-2018 Thana- BIHTA District- Patna

VIKASH KUMAR @ VIKASH SINGH @ PAWAN KUMAR @ PAWAN
S/O NAWAL KISHORE SHARMA @ NEPALI SHARMA @ NAPALI SING
Resident Of Village - Aaropur, P. S. - Naubatpur , District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Ishwar Chandra, Advocate
Mr. Parmeshwar Vishwakarma, Advocate
For the Opposite Party/s : Mr. Vinay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 24-05-2021

In view of sudden resurgence of COVID – 19 infection there has been imposition of lockdown for the last couple of weeks, there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and the learned counsel for the informant as well as learned APP for the State.

The petitioner seeks bail in Bihta P. S. Case No. 1233 of 2018 registered for the offence under Sections 302, 34, 120(B) IPC and Section 27 of the Arms Act.

The informant's son had been called from his house on the pretext of purchasing cement from his shop. The prosecution alleged that on reaching the shop some named accused persons namely Birendra Kumar and Ramjee Singh along with others namely Chote Roy and Jitendra Kumar have open fired. The informant has also named one Manoj Singh. The petitioner's implication in the killing is during course of investigation based on statement of one co-accused Ujjawal Kumar, named in the FIR.

Learned counsel for the petitioner submits that on account of his implication in 12 cases earlier his name has been dragged in the instant prosecution though he has no concern with the



occurrence. Co-accused Birendra Kumar, and Ujjawal Kumar who is said to have named the petitioner have since been allowed bail. The petitioner in the instant case is now in custody since 23.08.2019. It is submitted that there is no material in the investigation to connect the petitioner with this occurrence.

Learned APP has opposed the prayer for bail.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 ACJM, 1st class, Danapur, Patna, in connection with Bihta P. S. Case No. 1233 of 2018, 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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