

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1904 of 2021

Arising Out of PS. Case No.-58 Year-2019 Thana- GHOSWARI District- Patna

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Vikas Kumar Aged About 20 Years Son Of Late Shiv Dani Yadav Resident
Of Village- Rajapur, Police Station - Amarpur, District - Banka.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered
for the offence punishable under section 302 and other ancillary
sections of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, co-accused Mahesh
Yadav entered into the house of the informant after breaking
open his back door but his brother, the petitioner was standing at
the door. Said Mahesh Yadav fired on the father of the informant
as a result of which he sustained firearm injury on his neck, jaw
and other parts of the body. The victim fell down on the ground.
Co-accused Mahesh Yadav and the petitioner threatened the
informant of the dire consequences.



Learned counsel for the petitioner submits that from perusal of the FIR it is clear that the specific allegation of firing and causing death of the informant's brother is against Mahesh Yadav. No overt act of firing is alleged against the petitioner. Charge sheet has already been submitted. Petitioner is in custody since 7.4.2020.

Considering the facts and circumstances of the case and the fact that there is no allegation of firing against the petitioner and he is in custody since 7.4.2020, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Karunanidhi pd. Arya, Judicial Magistrate 1st class, Barh, Patna in Ghoswari Police Station Case No. 58 of 2019/ GR No. 852 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move



for cancellation of bail.

(Prabhat Kumar Singh, J)

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