

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8355 of 2021**

Arising Out of PS. Case No.-92 Year-2018 Thana- TANKUPPA District- Gaya

Vikash Kumar @ Vikash Yadav (Male), aged about 20 years, Son of Radhey Prasad, Resident of Village- Aandhu Sumani, P.S.- Tankuppa, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate
For the State : Ms. Anita Kumari Singh, APP

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

Date : 10-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Manish Kumar No. 2, learned counsel for the petitioner and Ms. Anita Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Sessions Trial No. 04 of 2019/182 of 2019 (SJ) arising out of Tankuppa PS Case No. 92 of 2018 dated 01.07.2018, instituted under Sections 341/323/504/506/34 of the Indian Penal Code to which later on Sections 302/325 of the Indian Penal Code were also added.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 04.12.2019 in



Cr. Misc. No. 44964 of 2019.

5. The allegation against the petitioner is that he along with three others assaulted the informant, his father and son which resulted in head injury to the informant, his brother and the father who ultimately died as a result of such injury.

6. Learned counsel for the petitioner submitted that the death occurred after eight days and as per the FIR itself there was land dispute and there may have been some skirmish but that was spontaneous and even the blows were not with an intention to kill as the death has occurred after so many days. Learned counsel submitted that the petitioner does not have any other criminal antecedent and is in custody since 02.04.2019.

7. Learned APP submitted that the victim died due to assault. However, she could not controvert that the allegation is of general and omnibus assault and death occurred after eight days.

8. 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 Additional District and Sessions Judge-IX, Gaya in Sessions Trial No. 04 of



2019/182 of 2019 (SJ) arising out of Tankuppa PS Case No. 92 of 2018 , 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 illegal/criminal activity, act in violation of any law/statutory provisions, 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.

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

(Ahsanuddin Amanullah, J)

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