

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2765 of 2022

Arising Out of PS. Case No.-111 Year-2020 Thana- KANTI District- Muzaffarpur

VIKASH KUMAR @ DAVID KUMAR S/O SUBODH THAKUR R/o
village- Kushiarpur Ramni, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 25.08.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

The informant alleges that on 23.02.2020 at about 9:30 pm, he strolled towards the house of his elder son and saw that the three named accused persons and one unknown accused were trying to kill his son on account of previous enmity, it is further alleged that the informant saw Jhunjhun Thakur pressing the neck of the deceased, Shatrudhan Thakur was holding the



legs of the deceased, petitioner was holding hands of the deceased and the unknown accused was pressing the scrotum of the deceased, further on seeing the informant, the accused persons fled away and the informant found his son lying dead.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant was a chance witness and being a chance witness he has implicated all the accused persons by alleging different role in the occurrence, it is further submitted that it absolutely does not stand to reason that if the accused had intention to kill then the occurrence would not have been committed in the manner as it is being alleged. It is the submission of the learned counsel for the petitioner that as far as petitioner is concerned, he is alleged to have held the hand of the deceased but from perusal of the postmortem report it would manifest that no injury was found on the hand, it is next submitted that co-accused Shatrughan Thakur has been granted bail vide order dated 12.08.2021 passed in Cr. Misc. No. 6259 of 2021.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody



since 25.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and co-accused has been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kanti P.S. Case No. 111 of 2020.

(Satyavrat Verma, J)

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