

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8256 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- SULTANGANJ District- Patna

Vishal Kumar @ Vikki Kumar Son of Ram Vilash Prasad @ Ram Vilash Sinha R/O - Gud Ki Mandi In Front Of Bank Of India (In The Gully Located In Front of Khushbu Market), P.S.- Alamganj, District- Patna, Permanent R/O- Sohgi Chouraha, Devi Sthan Ke Pichhe, P.S.- Gaurichak, District- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 05-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 266 of 2021 registered for the offence
under Sections 328 and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.10.2021.

The allegation against the petitioner is to commit
murder of his wife, who is the daughter of the informant, by
administering poison.

Learned counsel appearing on behalf of the petitioner
submitted that the death of wife of the petitioner, who is also



daughter of the informant, was taken place in the house of the informant itself. It is submitted that petitioner was not present in the house of the informant at the time of occurrence. It is further submitted that the chargesheet has been submitted in this case without obtaining the F.S.L. report, ascertaining the cause of death and also trial is not likely to be concluded in the near future, for the reason that, till now, only two prosecution witnesses have been examined. It is submitted that the relation of petitioner with his wife/deceased was very cordial and they were living happily, as surfaced during the course of investigation, except this unfortunate occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the occurrence took place in the house of the informant, as per F.I.R.

Considering the facts and circumstances as mentioned above, as occurrence took place in the house of the informant, who is not the eye witness of the occurrence coupled with the fact that chargesheet has been submitted without obtaining the F.S.L. report in the background, as trial is not likely to be conclude in the near future, let the petitioner, above named, is



directed to be released on bail in connection with Sultanganj P.S. Case No. 266 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Patna City, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Rahul Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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