

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8472 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- JANDAHA District- Vaishali

Vikash Kumar @ Vikash Kumar Singh @ Vikash Singh Son of Late Manoj Singh Resident of Village- Bahashi Saidpur, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2022 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 two weeks of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Jandaha P.S. Case No. 72 of 2021 registered for the offence under Sections 147, 148, 149, 447, 323, 325, 307, 385, 379, 504 and 506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 05.09.2021.

The allegation against the accused/petitioner is to assault the deceased on the head with the butt of the pistol alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that manner of assault having pistol in hand itself shows that petitioner was not under intention to kill. It has further been submitted that repeated blow was made by co-accused, namely, Abhijit Kumar Singh by iron rod, as it is appearing from bare perusal of the F.I.R. It is further submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State fairly conceded, which has been duly supported by learned counsel appearing on behalf of the informant, that the allegation against the accused/petitioner is to assault with butt of pistol.

Considering the facts and circumstances as mentioned above, as the assault was made with butt of pistol which *prima facie* negate the intention to kill, let the petitioner, above named, is directed to be released on bail in connection with Jandaha P.S. Case No. 72 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 Chief Judicial Magistrate, Vaishali at Hajipur, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be properly represented 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 duly supported by the documents.

(ii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

Ankit/-

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