

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12099 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- KESARIA District- East Champaran

Vikash Kumar @ Shyamnandan Kumar Son of Ramashish Rai Resident of
Village- Hushepur Puchrukhiya, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kesariya P.S. Case No. 248 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, husband of the informant was murdered by co-accused persons and the name of the petitioner transpired during investigation in confessional statement of one of the co-accused persons.

The learned counsel for the petitioner submits that



petitioner is not named in the FIR and he has been made accused in this case merely on suspicion. The informant who is said to be an eye witness, did not name this petitioner as an accused. The petitioner is an accused in another case but he has not been remanded in that case till date. Charge sheet has been submitted in this case. The petitioner is in custody since, 26.08.2021.

Learned APP opposes the prayer for bail and submitting that the petitioner participated in the murder of the husband of the informant and his name came up during investigation.

Having regard to the submissions made hereinabove and considering the fact that the informant did not name the petitioner in the FIR and no cogent material has been shown to be existing against this petitioner and further considering the fact that charge sheet has been submitted and the petitioner is in custody since 26.08.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, East Champaran, Mothihari in connection with Kesariya P.S. Case No. 248 of 2021, subject to the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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