

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12856 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Vikash Kumar @ Vikash Verma @ Ajay Kumar, Son Of Saryug Verma @ Arjun Verma @ Jayram Saw, R/O- At Pachna Road Sansar Pokhar, Gandhi Tola, Ward No.-17, P.S.- Lakhisarai (kawaiya), District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-08-2022 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 Lakhisarai (Kawaiya) P.S. Case No. 41 of 2021 registered for the alleged offences under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner fired upon the informant and the bullet grazed the back of the informant. On shout being made, the petitioner and other co-accused person fled away from the spot. The occurrence is said to have taken



place in the background of earlier dispute between the parties over the murder of the eldest son of the informant by the petitioner's side.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to previous enmity and this fact is apparent from the FIR itself. No offence under Section 307 IPC is made out as the allegation of opening fire is not corroborated by the injury sustained by the informant as it is only abrasion and is said to be caused by hard and blunt substance. Charge-sheet has been submitted and the petitioner is in custody 21.01.2022.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that there is no supporting evidence to show attempt being made on the life of the informant and considering the nature of injuries and the fact that the charge-sheet has been submitted in this case and further considering the period of his custody, 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kawaiya)



P.S. Case No. 41 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 the deponent, who has sworn the affidavit.

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

(iv) In case of absence on 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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