

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13597 of 2022

Arising Out of PS. Case No.-337 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Vikky Kumar @ Vikash Kumar @ Vikash Sah Son Of Late Anandi Sah
Resident Of Village - Miyanchak Teliya Pokhar, Chatti Road, Ward No.34,
P.S.- Town, (Ratanpur O.P.), Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Begusarai Town P.S. Case No. 337 of 2021 registered for the
offences under Sections 143, 448, 341, 323, 324, 384, 379, 307,
506 of the Indian Penal Code.

As per allegation the accused persons including the
petitioner and some unknown persons entered into the house of
informant in the wee hours and at the direction of co-accused
Mahendra Turha the informant his wife and his brother were



assaulted by means of kachhiya, butt portion of pistol and petitioner is alleged to have pushed the informant's father down and took away Rs. 5000 from his pocket.

The main submissions advanced by learned counsel for the petitioner are that against the petitioner there is simple allegation of having pushed down the informant's father who sustained no injury as his injury report is not available and petitioner is stated to be son of the main co-accused due to which he has been implicated in this case. Further submission is that the main co-accused Mahendra Turha @ Mahendra Sah Turha carrying more serious allegation than that of the petitioner has been considered for regular bail by a coordinate bench of this Court vide order passed in Cr. Misc. no. 59801 of 2021 and the injured persons who are stated to have been examined during the course of investigation by the doctor concerned are not said to have been assaulted by this petitioner and in between both the parties a land dispute is admittedly running and against the petitioner there is only one criminal antecedent in which he is on bail.

Learned APP for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case as well as the nature of allegation appearing against the



petitioner and mainly the fact that the co-accused Mahendra Turha carrying more serious allegation than the petitioner has been granted bail by a coordinate bench of this Court vide order passed in above mentioned Cr. Misc., in my view a lenient approach can be taken in respect of petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Begusarai Town P.S. Case No. 337 of 2021, on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.



(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than Begusarai Town P.S. Case No. 239 of 2021 of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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