

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30899 of 2021

Arising Out of PS. Case No.-223 Year-2019 Thana- SALAKHUA District- Saharsa

Vikash Yadav @ Vikash Kumar @ Bikash Yadav Son of Vareen Yadav @
Barun Yadav Resident of Village- Bhapatiya, P.S.- Sour Bazar, District-
Saharsa (Bihar)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Salkhua
(Banma Itahari O.P.) P.S. Case No. 223 of 2019 registered for
the offences punishable under Sections 341, 307, 379/34 of the
Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, as per written report of
informant, Rajesh Kumar, a shop keeper, three unknown
miscreants came on motorcycle at his shop and started breaking



open the locks of the shop after removing the electric bulb then he woke up and raised alarm thereafter, the miscreants fired upon Sintu Kumar, his brother which hit over his hand and injured him.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and nothing has been recovered from conscious possession of the petitioner. He further submits that name of the petitioner come on the basis of information given by Spy. He further submits that till date no TIP has been conducted by the prosecution and as per F.I.R. they are three injury reports of injured Sintoo Kumar who sustained injury by firearm over right forearm near elbow joint margin of chharing of size 1/2" diameter. The petitioner is in custody since 28.01.2020.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries nineteen criminal antecedents.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Saharsa in connection with Salkhua (Banama- Itahari O.P.) P.S. Case No. 223 of 2019, subject to 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 and shall remain physically present as directed by the court 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 tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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