

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24130 of 2022**

Arising Out of PS. Case No.-56 Year-2021 Thana- SIMULTALLA District- Jamui

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Vikram Kumar S/o Bhairo Mahto @ Bhasiro Kushvaha Resident of Village-  
Gadi Telwa, P.S.- Simultala, Distt- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jyoti Ranjan Jha

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**

ORAL ORDER

2      14-09-2022                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner seeks bail in connection with  
  
Sessions Trial No. 108 of 2022, arising out of Simultala P.S.  
  
Case No. 56 of 2021, registered for the offences punishable  
  
under Sections 147, 149, 302 and 120B of the Indian Penal  
  
Code.

As per the prosecution case, emerging from the



FIR, at about 06.00 A.M. on 26.06.2021, when the informant and his father were going to plough their field, the petitioner along with eight other co-accused persons assaulted them by *Tangi* and *Lathi* resulting into death of his father in course of treatment.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of previous enmity. He further submits that similarly situated co-accused Congresh Mahato @ Congresh Kumar Mahato has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 13.07.2022, passed in Cr. Misc. No. 14295 of 2022. He further submits that similarly situated co-accused Arvind Kumar has also been given liberty to approach the Trial Court after framing of charge vide order dated 19.07.2022, passed in Cr. Misc. No. 20042 of 2022. He further submits that charge in this case has already been framed and trial has started. He also submits that petitioner has been languishing in jail since 11.08.2021. He further submits that petitioner has clean antecedent.



It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, Ld. APP for the State, Mr. Mrityunjaya Kumar Gautam as well as Ld. Counsel for the Informant, Mr. Rajesh Kumar Sinha vehemently oppose the prayer for bail. However, they do not dispute the submission regarding the grant of bail to similarly situated co-accused persons.

Considering the aforesaid facts and circumstances the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Addl. Sessions Judge, III Jamui in connection with Sessions Trial No. 108 of 2022 arising out of Simultala P.S Case No. 56 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence



or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office



within a period of one month and the Registry is directed to  
issue the certified copy of this order only after removal of  
office objections.

**(Jitendra Kumar, J)**

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