

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26158 of 2022

Arising Out of PS. Case No.-156 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

Vikash Kumar @ Vikash Tanti, S/O Hari Lal Tanti R/o Mohalla/Village-
Mawadih, Paharpur, P.S.- Dharhara, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 30-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with S.Tr. No.581 of 2021 arising out of Ishakchak P.S. Case
No.156/2020 instituted under Section 302/34 of the Indian Penal
Code and Section 25(1-b)a/26/27 of Arms Act.

The FIR has been lodged by one Sanjay Kumar
Sudhansu alleging that his brother-in-law Rajesh Kumar Raman
was stopped and the accused persons opened fire killing him.
Later it is alleged that another person was found in injured
condition who also succumbed to his injuries. The second
person has been made an accused.

Learned counsel for the petitioner submits that the



FIR is against unknown in the present case and for the same occurrence another FIR being Ishakchak P.S. Case No.156/2020 was filed. In the said FIR, he has not been named. He has no criminal antecedent and his name has come in the confessional statement of accused Bablesh Yadav and Kaushal Yadav who have since been released on bail vide Cr. Misc. No.66304/2021 by a co-ordinate Bench of this Court on 25.04.2022.

Considering the fact that the petitioner has not been named in the FIR, his name has come in the confessional statement of accused Bablesh Yadav and Kaushal Yadav who have since been released on bail as stated aforesaid, he has no criminal antecedent and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with S.Tr. No.581 of 2021 arising out of Ishakchak P.S. Case No.156/2020 to the satisfaction of learned 5th Additional District & Sessions Judge, Bhagalpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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