

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25785 of 2022**

Arising Out of PS. Case No.-253 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Vikash Yadav @ Vikash Kumar S/o Gandhari Yadav R/o Maranga West, P.S.-  
Maranga (K.Hat), District- Purnea ... .. Petitioner

Versus

The State of Bihar ... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. N. K. Agarwal, Sr. Advocate  
Mr.Dr. Bidhu Ranjan, Advocate  
For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      16-08-2022                      Heard Mr. N. K. Agarwal, learned Senior Counsel  
for the petitioner and learned APP for the State.

Let the defect(s), if any, as pointed out by the  
office, be removed within four weeks.

The petitioner is in custody in connection with  
Khajanchi Hat (Maranga) P.S. Case No. 253 of 2021 under  
sections 302, 201, 120B/34 of the Indian Penal Code.

As per the allegation in the FIR, the informant has  
alleged that on 18.3.2021 upon knowledge, he reached NH-31  
and saw the dead body of his son Ujjawal Kumar. There was a  
knife blow in his stomach and the sign of use of rope on his  
neck besides disappearance of the motorcycle, mobile, purse  
and shoes. After some time, when he returned from the place of  
occurrence, he came to know that the petitioner herein as also  
Neeraj Thakur were along with the deceased the previous day.



Thereafter, they brought the said Neeraj Thakur to the police station where he accepted that the deceased's 'helmet' was at his home which he had kept at 6 o'clock.

Learned Senior Counsel subsequently submits that one Banti Kumar who claims himself to be friend of Ujjawal Kumar (deceased) has alleged that he along with deceased and one Rakesh @ Rauka were together the previous day and there was some disputes due to payment of Rs. 5000/- which the deceased was demanding from Rakesh and was repaid by him on the same day. Later, when they were moving on NH-31 along with Neeraj Thakur, some accused persons led by Rakesh was intercepted them and after alleging that he has been publicly humiliated by Ujjawal by demanding amount, they started assaulting them. Later, Banti Kumar's family came and took him away. Ujjawal Kumar was finally found dead and according to Banti Kumar, amongst the said accused persons, Vikash Yadav as also one Jitu Sharma were present.

Learned Senior Counsel submits that according to the statement of the Banti Kumar, he left the place along with his family members, leaving Ujjawal Kumar alone as Neeraj Thakur had already fled. Earlier he only named Rakesh @ Rauka as the person who was leading the accused persons, once



he left his place he also made allegation against Jitu Sharma and the petitioner herein.

He submits that in any case, there is omnibus allegation against all of them of having assaulted the deceased. He further submits that Neeraj Thakur has not alleged anything against the accused persons much less the petitioner herein. He lastly submits that one of the named co-accused Jitu Sharma @ Jitendra Kumar who according to the Banti Kumar was one of the person who was also present has since been enlarged on bail vide Cr. Misc. No. 53898 of 2021 by a coordinate bench of this Court on 5.7.2022.

Let the same be kept on record.

Taking into account the fact that omnibus allegation has been made against the petitioner herein of allegedly assaulting the deceased, he is in custody since 19.10.2021 (as stated in para-14 of the bail application), charge-sheet stands submitted and one of the similar placed co-accused Jitu Sharma has since been released on bail, as stated above, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 5<sup>th</sup> Additional



Sessions Judge, Purnea, in connection with Sessions Trial No. 39 of 2022, arising out of Khajanchi Hat (Maranga) P.S. Case No. 253 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 his cancellation of bail by the Trial Court itself;

(iii) he 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.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Ravi/-

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