

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27286 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- PATNA CITY CHOWK District- Patna

PRAKASH KUMAR S/o Ajay Prasad Resident of Mohalla- Mirchai Gali,
P.S.- Chowk, Patna City, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Dubey, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Session Trial No. 620 of 2021 arising out of Chowk, Patna
City Case No. 102 of 2021 for the offences under Sections 302,
201, 120(B) and 307 of the Indian Penal Code.

As per the allegation in the FIR, the informant has
alleged that his son was called on a birthday party where he was
invited. It is further alleged that co-accused, Karan Kumar gave
a brick blow on the head of his son whereas Sunny Dome @
Raja Mallik picked up the wash basin and he too gave blow on
the head of his son causing severe injuries on head, neck and



chest. The FIR also incorporates that all the three accused persons which include the petitioner herein assaulted causing his death.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that specific allegation has been made against Karan Kumar of having given brick blow on the head of the informant's son whereas Sunny Dome @ Raja Mallik has given the wash basin blow on the head, neck and chest of his son causing grievous injuries which ultimately led to his death. He further submits that so far as this petitioner is concerned, omnibus allegation has been made that he also participated in the crime. He lastly submits that for the said alleged act, he has already suffered by being in custody since 31.03.2021 (as stated in paragraph-12 of the bail application).

Learned APP for the State, on the other hand, submits that the allegations do not warrant his release from judicial custody.

Considering the fact that specific allegations have been made against co-accused, namely, Karan Kumar and Sunny Dome @ Raja Mallik and an omnibus allegation against the petitioner is of assault along with other accused persons, he is in custody since 31.03.2021 and charges have been framed,



this Court is inclined to grant him the privilege of bail with strict conditions.

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 Additional District and Sessions Judge-III, Patna City in connection with Sessions Trial No. 620 of 2021 arising out of Chowk Patna City P.S. Case No. 102 of 2021, subject to the 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 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 appear before the concerned police station every fortnight till the conclusion of the trial to mark his presence;

(iv) 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;



(v) the petitioner shall desist from committing any criminal offence again 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)

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