

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28592 of 2022

Arising Out of PS. Case No.-355 Year-2020 Thana- SAHARSA SADAR District- Saharsa

VIKAS SWARNKAR @ VIKASH SWARNKAR, Male aged about 22 Years Son of Majo Swarnkar @ Maajo Swarnkar @ Manoj Swarnakar R/o Mohalla-Sarahi Ward No. 05, Saharsa, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28673 of 2022

Arising Out of PS. Case No.-355 Year-2020 Thana- SAHARSA SADAR District- Saharsa

SIKO @ SIKANDAR SWARNKAR, Male aged about 50 years Son of Late Jago Sah Swarnkar R/o Mohalla -Sarahi Ward No. 05, Saharsa, PS-Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28592 of 2022)

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 28673 of 2022)

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 447, 341, 326(A), 307, 504, 506 and 34 of the Indian Penal Code.



The allegation is regarding the petitioner herein and other accused persons having thrown acid on the victim lady causing certain injuries to her.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case only on the basis of suspicion. He further submits that there is enmity between the parties and on account of that, both the petitioners have been made accused in this case. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of causing injury to the informant in any manner or any act of intentional assault is attributed to him. Moreover, the co-accused, namely, Kaili Devi and Soni Devi having more or less similar allegation have already been granted bail by different co-ordinate Benches of this Court vide order dated 08.12.2021 and 29.03.2022 passed in Cr. Misc. No. 62263 of 2021 and Cr. Misc. No. 23805 of 2021, respectively. The co-accused, namely, Kaili Devi and Soni Devi having more or less similar allegation have already been granted bail by different co-ordinate Benches of this Court vide order dated 08.12.2021 and 29.03.2022 passed in Cr. Misc. No. 62263 of 2021 and Cr. Misc. No. 23805 of 2021,



respectively. Another co-accused, namely, Kanhaiya Swarnkar @ Kanhaiya Kumar @ Kanahiya Swarnkar has also been granted bail by a co-ordinate Bench of this Court vide order dated 27.07.2022 passed in Cr. Misc. No. 24871 of 2022. The petitioner, namely, Vikas Swarnkar @ Vikash Swarnkar is rotting in judicial custody since 28.08.2020 whereas the petitioner, namely, Siko @ Sikandar Swarnkar has been languishing in judicial custody since 14.08.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, namely, Vikas Swarnkar @ Vikash Swarnkar carries one more case other than the present one whereas the petitioner, namely, Siko @ Sikandar Swarnkar bears clean antecedent as is evident from paragraph-3 of the both the applications.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Saharsa Sadar P.S. Case No. 355 of 2020 corresponding to S.T. No. 160 of 2021 with the following conditions:-



(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

brajesh/-

U		T	
---	--	---	--

