

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37246 of 2022

Arising Out of PS. Case No.-254 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Vikash Kumar, Son of Kamleshwari Yadav, Resident of village - Sukhasan,
Ward No.- 9, P.S.- Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagnnath Singh, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 254 of 2022, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 of the Indian Penal Code and Section 27 of the Arms Act and later on Section 302 IPC was also added.

As per the prosecution case, the petitioner and other co-accused persons armed with *lathi* and *danda* assaulted the informant, his father and brother causing injuries to them.



The co-accused Akhilesh Kumar assaulted the father of the informant with *farsa* on his head and he died during treatment. The occurrence took place in the background of some demand of extortion money.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Not a single word has been said about role of this petitioner except that he was a member of unlawful assembly. The petitioner has been named in this case as he has appeared in the examination of Sub-Inspector of Police and there was every likelihood of his succeeding in the examination. Ultimately, the petitioner has been finally selected in the examination and he has been directed to join on the post in between 01.08.2022 to 20.08.2022. Learned counsel further submits that he has been named in this case due to village politics. The charge sheet has been submitted in this case and the petitioner is in custody since 03.04.2022.

Learned APP opposes the prayer for bail submitting that due to assault by this petitioner and other co-accused persons, the father of the informant has lost his life.

Having regard to the submissions made hereinabove and considering the fact that there is general and



omnibus allegations and in absence of any specific overt act being attributed to this petitioner and further considering the submission of charge sheet against the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 254 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

