

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39504 of 2022**

Arising Out of PS. Case No.-505 Year-2019 Thana- SHEKHPURA District- Sheikhpura

Vicky Kumar Son of Ashok Yadav Resident of Village - Sishma, P.S.-
Ramgarh Chowk, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 14-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset learned counsel for the petitioner
submitted that at page no.6, in the prayer portion, of the bail
petitioner, inadvertently, year of police station case number has
been wrongly typed as ‘Sheikhpura P.S. Case No. 505 of 2022’
instead of ‘Sheikhpura P.S. Case No. 505 of 2019’.

Accordingly, learned counsel for the petitioner is
permitted to make the necessary correction during the course of
the day itself.



The petitioner seeks bail in connection with Sheikhpura P.S. Case No. 505 of 2019 registered for the offence under Sections 147, 149, 341, 323 and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 29.04.2022.

The allegation against the petitioner is to commit murder of father of the informant, alongwith other co-accused persons, by assaulting with lathi for long standing land dispute.

Learned counsel appearing on behalf of the petitioner submitted that, admittedly, the alleged assault was made when informant run away from the place of occurrence, which is suggesting on its face that informant is not the eye witness of the occurrence. It is submitted that the nature of allegation is very much general and omnibus against this petitioner, for which, he was named in the present occurrence only on the basis of wrong impression and for the said reason, subsequently, informant moved an application before the Court of learned Chief Judicial Magistrate stating thereof that petitioner was not involved in the present occurrence. It is further submitted that the injuries, as were found upon the deceased, is not supporting the allegation that he was assaulted by eleven persons. While



concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as allegation, as regard to assault, is very much general and omnibus against this petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sheikhpura P.S. Case No. 505 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Ashok Kumar Yadav, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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