

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40964 of 2022**

Arising Out of PS. Case No.-145 Year-2021 Thana- KUDRA District- Kaimur (Bhabua)

Vikash Chaubey @ Vikash Ranjan Son of Late Anl Chaubey Resident of
Village - Fakarabad, P.S.- Kudra, Distt.- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the State : Mr. Mukeshwar Dayal, APP

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

3 15-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

The petitioner seeks bail in connection with Kudra
P.S. Case No. 145 of 2021 registered for the offence under
Sections 290 and 307 of the Indian Penal Code and Section 27
of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.04.2022.

The allegation against the petitioner is to fire in a
wedding party, where one five year old boy was hit by the
bullet, alleged to be fired by petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that alleged firing was celebratory in wedding party, without targeting the injured or carrying any intention to cause death. It is further submitted that the eye witness/informant of this case, who is none but the father of the injured, retracted from his earlier version and file a petition on affidavit before the Court of learned Additional Chief Judicial Magistrate-VI, Kaimur, Bhabhua stating thereof that the injury was received by crackers and not by the firing made by this petitioner. It is also submitted that the ingredients of this case is attracting the offence as defined u/s 308 of the Indian Penal Code. 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, and by taking note of the accusation, where petitioner is in custody since 30.04.2022 coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kudra P.S. Case No. 145 of 2021 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Kaimur, Bhabhua/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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