

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52988 of 2021**

Arising Out of PS. Case No.-79 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Vikash Kumar Son Of Hareram Rajak R/O Village- Rachiyahi, Dhobi Tola,
Ward No.7, P.S.- Mufassil (SINGHAUL O.P.), District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai
For the Opposite Party/s : Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's
Counsel would honour his undertaking in the instant
proceedings regarding supply of requisite court fee etc. within
two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Mufassil
(Singhaul OP) P.S. Case No. 79 of 2021, G.R. No. 427/2021
registered under Sections 147, 148, 149, 341, 323, 504, 307,
325, 337, 338, 379 and 302 of the Indian Penal Code.

While asserting possession by erecting a wall on the
informant's alleged land, objection was raised by the
prosecution party which has been met by assault by the various



agnates of the informant, including the petitioner, as per the prosecution case.

Learned counsel for the petitioner submits that specific allegation of assault has been levelled by name against co-accused persons. Against the petitioner, there is only an allegation that he has snatched the gold chain from the neck of deceased. It is submitted that a counter-case has also been lodged arising out of the free fight between the parties, in Muffasil P.S. Case No. 87/2021. Having no criminal antecedents, petitioner is in custody since 07.05.2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, the fact that assault is not attributed against the petitioner (agnate of informant) and period of custody, this Court is inclined to allow the prayer. More so in view of the fact that investigation is complete. Petitioner's prayer for bail is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in Mufassil (Singhaul OP) P.S. Case No. 79 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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