

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44409 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- ARA NAGAR District- Bhojpur

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Vikash Kumar Son of Sri Vijay Yadav Resident of Mohalla- Moti Tola, P.S.-
Ara Town, District- Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Advocate
For the State : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 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.

The petitioner seeks bail in connection with Ara Town
P.S. Case No. 158 of 2022 registered for the offence under
Sections 302, 120B and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 24.02.2022.

The allegation against the petitioner is commit murder
of brother of the informant, alongwith other co-accused persons,
due to previous enmity.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Bira Ram, where nothing incriminating surfaced during the course of investigation, which may connect this petitioner with the present occurrence. It is further submitted that informant is the eye witness of the occurrence, where other named co-accused persons actively participated in the occurrence, without naming this petitioner, where implication is just an afterthought, due to local disputes and differences. 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, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced in furtherance of the confessional statement, which may connect this petitioner with the present occurrence coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed



to be released on bail in connection with Ara Town P.S. Case No. 158 of 2022 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, Ara/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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