

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54674 of 2021**

Arising Out of PS. Case No.-44 Year-2020 Thana- BHAGWANGANJ District-
Patna

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Vikash Kumar Son Of Ramesh Ram R/O Village- Belauna, P.S.-
Bhagwanganj, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Gajanan Mishra, Advocate

For the State : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 323, 341, 354(B), 307,

302/34 of the Indian Penal Code.

As per prosecution case, it is alleged by the informant

Pappu Ram on 01.04.2020 at 6:30 P.M. his cousin daughter-in-

law Sudhia Devi went to attend natural call but in the way

villager Vikash Kumar started teasing her. Family members came

to the house of accused Vikash Kumar then accused persons

persons started assaulting to Pankaj Kumar with lathi causing



head injury and also Vikash Kumar assaulted Munna Ram with sword on his head, he fell down and became unconscious and brought to Masaurhi Sadar Hospital where doctor declared him dead.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the petitioner and the informant are Gotiya and next door neighbour. He further submits that due to possession over Government land situated in front of house of the petitioner some altercation took place which resulted into false implication of entire family of petitioner. He further submits that the allegation against the petitioner that he assaulted the deceased Munna Kumar with sword but doctor who perform *post mortem* found injury of hard and blunt substance over the head of the deceased. He further submits that during investigation not a single independent witness supported the case of the informant and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since. 24.06.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 159 of 2021 arising out of Bhagwanganj P.S. Case No. 44 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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