

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.62901 of 2021**

Arising Out of PS. Case No.-63 Year-2017 Thana- BAKHTIYARPUR District- Patna

SURAJ KUMAR VERMA @ VIKKI KUMAR VERMA @ VIKKI S/O  
RAMESH PRASAD R/o village- Hakikatpur, P.S.- Bakhtiyarpur, District-  
Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Awadhesh Kr. Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY  
ORAL ORDER**

3      27-09-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
Bakhtiyarpur P.S. Case No. 63/2017 registered for the offences  
punishable under Sections 302/120(B) of the Indian Penal Code  
and Section 27 of the Arms Act.

As per prosecution case, on the informant alongwith  
with her husband had gone to Patna. On the date of occurrence,  
informant got telephonic message that someone has killed her  
son, Bitu Kumar. Thereafter, informant alongwith other family  
members reached at her village and found dead body of her son  
lying near Middle School. She learnt that 3-4 unknown persons  
had killed her son.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner is not named in the FIR. The name of petitioner transpired in this case on the basis of confessional statement of co-accused, Govind Lal @ Gonga. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. There is no eye witness of the alleged occurrence. He further submits that the petitioner is languishing in custody since 09.12.2020 and bears criminal antecedent of seven cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Govind Lal @ Gonga has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.17136/2019 and the case of present petitioner stands on better footing as his name transpired in confessional statement of said co-accused.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides, charge sheet has already been



submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- III, Barh, District-Patna in connection with Bakhtiyarpur P.S. Case No. 63/2017, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the



concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

**(Alok Kumar Pandey, J)**

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