

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53446 of 2022

Arising Out of PS. Case No.-203 Year-2022 Thana- GAYA MUFASIL District- Gaya

=====

Vikki Kumar, Son of Sanjay Yadav, R/V- Nauranga, P.S- Muffasil, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 23-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sanjeev Kumar, learned counsel appearing on behalf of the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Muffasil P.S. Case No. 203 of 2020 registered for the offences punishable under Sections 447, 341, 323, 307, 504, 506, 354, 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case it is alleged that on 06.06.2020 at about 05:00 PM while the informant was at her



home, in the meantime, all the FIR named accused persons, including the petitioner, armed with deadly weapons, rushed into the house of the informant and started abusing. It is further alleged that co-accused 'Golden Yadav' assaulted the informant by means of sword on her head, thereafter, when the son of the informant rushed to the place of occurrence, all the accused persons brutally assaulted him with sword and Garasa. It is alleged that this petitioner assaulted the son of the informant with the pistol butt on the head and other accused persons assaulted the wife of the son, of the informant and also tried to outrage the modesty of the daughter-in-law of the informant.

Learned counsel appearing on behalf of the petitioner submits that the present FIR is instituted on account of the previous enmity between the parties and so far the allegation against the petitioner is concerned, that he assaulted the son of the informant over his head by means of butt of the pistol, the same is falsified from the injury report, which is brought on record by way of Annexure '2' to the bail application. It is submitted that from the injury report, it is evident that the son of the informant has received three injuries, however, all the three injuries have been found to be simple in nature, caused by hard and blunt object. He next submits that other co-accused person



against whom, there is specific allegation of causing sword blow over the head of the informant, he has been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 39675 of 2020 vide order dated 10.03.2021. He lastly submits that the petitioner is in custody since 28.10.2021 and he has been remanded in the present case on 28.06.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is facing two other criminal cases out of which one of the case is registered under Sections 302 and 201/34 of the Indian Penal Code.

Having regard to the submissions made on behalf of the parties and considering the nature of the injury and the allegation against the petitioner and further, the co-accused persons against whom there is specific allegation of giving sword blow, he has been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 203 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner



with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

