

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64355 of 2021

Arising Out of PS. Case No.-211 Year-2020 Thana- DULHIN BAZAR District- Patna

VIKASH KUMAR S/o Arun Singh Resident of Tarari, P.S.- Naubatpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Dulhin Bazar P.S. Case No. 211 of 2020 for the offence
punishable under Sections 302/34/120B of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that one Ramashish
Verma, who happened to be the informant of this Case, lodged
the instant case, alleging therein that his brother Sanjay Verma
(since deceased) had gone for morning walk along with
Vijendra Kumar, but soon after he heard that he was shot dead



by unknown bike borne four accused persons. After getting the information, the informant went at the place of occurrence with other co-villagers and found that his brother was lying injured. Then they took him to Paras Hospital, but during treatment his brother succumbed to the fire arm injury.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he is not named in the F.I.R. Name of the petitioner has surfaced on the basis of confessional statement of co-accused Munim Sharma who has been enlarged on bail vide order dated 06.01.2022 passed in Cr. Misc. No. 30518 of 2021 by a co-ordinate Bench of this Court and the petitioner has no connection with said Munim Sharma. He submits that Vijendra Kumar is the eye witness of the occurrence, but he has not taken the name of the petitioner in the alleged occurrence of murder. He further submits that at the time of alleged murder of the deceased, petitioner was in judicial custody and in judicial custody he was remanded in the present case. There is no material against the petitioner that he was in any manner involved in commission of murder or hatched any conspiracy to commit murder of the deceased. He further submits that the petitioner has no connection with any of the co-accused of the present case or with the co-accused of the



cases mentioned in Para-3. Petitioner is in custody since 05.03.2021. As such, the petitioner may be enlarged on bail on any terms and conditions imposed by this Court.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He has referred Para-3 of the bail application that ten criminal cases are pending against the petitioner and in all the cases almost similar allegation under Section 302 and other allied Sections of the Indian Penal Code has been made against the petitioner.

Having heard the submissions of the rival parties, petitioner has made out a case to the extent that the name of the petitioner has surfaced on the basis of confessional statement of one Munim Sharma and said Munim Sharma has been released on bail by a co-ordinate Bench of this Court vide order dated 06.01.2022 in Cr. Misc. No. 30518 of 2021 and another co-accused Dibyanshu Kumar has also been released on bail by this Court vide order dated 22.01.2022 passed in Cr. Misc. No. 41087 of 2021. There is no eye witness to the alleged incidence except Vijendra Kumar and the said Vijendra Kumar has not taken the name of the petitioner in course of investigation and the petitioner is in custody since 05.03.2021.

Taking into consideration the specific submission



made by the petitioner that he is not associated with any of the co-accused named in the F.I.R. or whose name have surfaced in course of investigation or with the co-accused of the cases mentioned in Para-3 of the bail application, court below is directed to verify as to whether the petitioner is associated with any of the co-accused of the present case or the co-accused of the cases as mentioned in Para-3 of the bail application and if it is found that the petitioner is not associated with any of the co-accused of the present case or the cases as mentioned in Para-3, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Dulhin Bazar P.S. Case No. 211 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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