

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54569 of 2022

Arising Out of PS. Case No.-388 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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ALOK KUMAR @ AZAD S/O BALRAM PD SINGH R/O VILLAGE-
RULAH, P.S- MANJHAULIA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Senior Advocate
		Mr. Rajesh Kumar, Advocaes
For the Opposite Party/s :		Mr.Dr. Indivar Kumari, APP
For the Informant	:	Mrs. Rashika

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard Mr. Ramakant Sharma, learned Senior

Counsel for the petitioner and Mrs. Indivar Kumari, learned

APP for the State as also Mrs. Rashika, learned counsel for the

informant through video conferencing in view of the COVID

19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with

Bettiah (Town) P.S. Case No. 388 of 2021 under Sections 341,

323, 504, 506, 324, 384 and 307/34 of the Indian Penal Code

and Section 27 of Arms Act.

As per the prosecution story, the informant alleged

that he being an unemployed Engineer wanted to participate in

the tender process which was resisted by the accused persons



and in the process it is alleged that Manish Tiwary tried to fire but which got misfired. Further, as the informant tried to leave the place, the petitioner herein gave order to stop him and later both the petitioner herein as well as Vikash gave knife blow. The police in the meantime reached the place of occurrence. The last allegation is that all these were done on the instruction of Abhishek Rai.

Learned Senior counsel for the petitioner submits that a bare perusal of the FIR would show that the same has been lodged belatedly and after as an after thought and in the process, special role has been assigned to each and every individual. It is further submitted that the alleged occurrence took place on 21.06.2021 where as the FIR lodged on 26.06.2021

It has been further submitted that allegation of knife blow is also against other accused persons namely, Vikash Thakur who has been released on bail by a co-ordinate Bench of this Court vide order dated 04.04.2022 passed in Cr. Misc. No. 61318 of 2021 (Annexure-4 to the bail application).

The further submission is that contrary to the allegation made in the FIR, the injury report which has also been part of the bail application does not match with it but



simply it has been stated that the injuries are dangerous to life. Learned Senior counsel lastly pointed out that erroneously the section in paragraph-1 has probably been incorporated as Section 507 of the Indian Penal Code for which he submits his sincere apology with further averments that the same be read as Section 307 of the Indian Penal Code.

Taking into account the fact that there is delay in lodging of the FIR, he is in custody since 29.06.2022 (as stated in paragraph-15 of the bail application), charge sheet stands submitted and one of the similarly placed co-accused has since been released on bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No. 388 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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