

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59059 of 2022

Arising Out of PS. Case No.-238 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Vikash Kumar S/o Uma Shankar Ray @ Umashankar R/o Mohalla- Baxi
Maidan, P.S.- Chowk, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar, Advocate
	:	Mr. Sudhir Kumar, Advocate
For the Opposite Party/s	:	Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chowk
P.S. Case No. 238 of 2022 registered for the offence under
Section 308 of the Indian Penal Code and under Section 3/4 of
Explosive Substance Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.07.2022.

The allegation against the petitioner is to make an
attempt for culpable homicide not amounting to murder by
exploding bomb, along with other co-accused persons, to create



a terror in localities, where police personnel is the informant.

Learned counsel appearing on behalf of the petitioner submitted that admittedly informant is not the eye witness of the occurrence and the entire allegation is based upon suspicion. It is further submitted that no one received injury out of said occurrence. It is also submitted that regarding same set of occurrence a case was also lodged by private person, where it was raised through F.I.R. that the firing was made instead of hurling bomb, creating a doubt over entire allegation as raised through present F.I.R. It is also submitted that petitioner is on bail in said case which has been registered vide Chowk P.S. Case No. 239 of 2022 regarding same set of occurrence. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation is based upon suspicion, where for the same set of occurrence, petitioner has already been granted bail coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Chowk P.S. Case No. 238 of 2022 on
furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of
learned S.D.J.M. Patna City (Patna)/concerned Court, subject to
the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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