

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9197 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Vikash Kumar @ Langra Son of Late Pramod Prasad R/o Humad Gali, Patna
City P.s- Chowk, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Prasad, Advocate Ms. Veena Kumari Jaiswal, Advocate Mr. Sunil Kumar, Advocate
For the Opposite Party/s	:	Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since
25.08.2022 in connection with Chowk P.S. Case No. 123 of
2022, F.I.R. dated 14.03.2022 for the offences punishable under
Sections 302, 201 and 120B of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case, this petitioner along
with other accused persons fired upon the father of the
informant, resulting into his death during treatment.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused persons, namely, Rajesh Paswan @ Dappa and Binod Kumar @ Langra. He further submits that in fact, the petitioner was in judicial custody since 20.12.2021 in connection with Chowk P.S. Case No. 500 of 2021 and the petitioner has been remanded in the present case from Chowk P.S. Case No. 500 of 2021 on 25.08.2022 and in the present case, the date of occurrence is 14.03.2021 so how it can be possible that the petitioner has participated in the present occurrence. He further submits that except the confessional statement no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Binod Kumar @ Langra has been granted bail by a co-ordinate Bench of this Court vide order dated 06.12.2022 passed in Cr. Misc. No. 54361 of 2022. The



petitioner is in custody since 25.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eight criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the eight cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna City in connection with Chowk P.S. Case No. 123 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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