

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6090 of 2023

Arising Out of PS. Case No.-97 Year-2020 Thana- GOPALPUR District- Patna

VIKASH KUMAR @ CHOCHO S/O GORAKH ROY Resident of village-
Sirpatpur, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar, Adv.
	:	Mr. Dhirdyuti Kumar, Adv.
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP
For the informant	:	Mr. Gajendra Kr. Jha, Adv.
	:	Mr. Surya Kant Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-02-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as well as learned counsel for the

informant.

The petitioner seeks bail in a case registered for the

offence under Sections 302/34 of the Indian Penal Code and

Section 27 of the Arms Act.

Allegedly, the petitioner has shot fired upon the

deceased, Karu Kumar @ Kante and inflicted three bullet injuries

as a result of which, he died during course of treatment.

Earlier the prayer for the bail of this petitioner had

been refused by this Court vide order dated 29.01.2022 passed in

Cr. Misc. No. 27118 of 2021. However, by way of this application,

again the petitioner has renewed his prayer for grant of bail.



Learned counsel appearing for the petitioner submits that the charge has been framed in this case against the petitioner on 22.02.2022 but the case is still pending for prosecution evidence. He further submits that the trial is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 17.03.2020 i.e. almost three years. Hence, the petitioner may be enlarged on bail.

Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant submits that now the trial is begun and one of the witnesses has also been examined on 25.01.2023. He further submits that the petitioner is having four more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody of the petitioner as well as the stage of the trial, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Gopalpur P.S. Case No. 97 of 2020 (G.R. No. 1924 of 2020) with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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