

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3439 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- KHANPURA District- Samastipur

VIKASH KUMAR @ VIKASH DUBEY @ VIKASH KUMAR ROY S/O
BRAHAMDEV RAY Resident of Village- Sedukha Tola- Mananpur, P.S.-
Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Kumar

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 05-05-2023 Heard learned counsel for the petitioner as well as
Shri Shailendra Kumar, the learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Khanpur P.S. Case No. 199 of 2022, registered for the offenses punishable under Sections 323, v 341, 342, 307, 384, 302/34 of Indian Penal Code.

As per allegation, the informant was going to Madhubani from Begusarai, along with his friend Gautam Kumar by motorcycle, and when they reached Mananpur, the tyre got punctured. There, they saw some boys dancing on DJ music nearby the temple. They started making video of the dance, whereupon the boys who were dancing became infuriated and, assaulted them with stick and iron rod. The



petitioner was also amongst them. Gautam Kumar died, having sustained injuries.

The learned counsel for the petitioner has submitted that there is nothing against the petitioner in the entire case diary. It is a case of mob lynching. The independent witnesses in paragraph no. 79 and 80 of the case diary have stated that the informant and his friend namely Gautam Kumar were making video clip of the dance, whereupon the mob became infuriated and they assaulted them, due to which, Gautam Kumar died.

On the other hand, learned APP Shri Shailendra Kumar though opposed the prayer for bail but submitted that witnesses in paragraph No. 79 and 80 of the case diary did not name the petitioner, rather they have stated that it was a case of mob lynching.

Considering the above-mentioned facts and circumstances clean antecedents as well as the period of detention, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned C.B. Bharti, J.M. 1st Class, Samastipur in connection with Khanpur P.S. Case No. 199 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the



disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offense, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Sudha/Kundan

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