

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5784 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- PATNA CITY CHOWK District- Patna

VIKAS KUMAR @ GUNGA S/o Krishna Yadav @ Krishna Ram R/o
Mohalla- Ghagha Gali, P.S.- Khajekalan, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan

For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

As per prosecution case, the informant alleged that her husband went to 'Mangal Talab' on 24.1.2022 when he did not return, the informant went to the pond and thereafter, she came to know from Badal Ram that the petitioner along with co-accused persons have caused firearm injury to her husband. Thereafter, her husband was taken to hospital where he died during course of treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case only on the basis of



statement of a hearsay witness. During course of investigation, no any consistent material has come against the petitioner to suggest his complicity in the alleged offence. Apart from the fact, similarly situated co-accused namely, Harash Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 4.5.2023 passed in Cr. Misc. No. 11366 of 2023. The entire prosecution hinges around merely on suspicion. It is further submitted that the petitioner is languishing in judicial custody since 23.4.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chowk P.S. Case No. 39 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna City/A.D.J.-IV, Patna City.

(Sunil Kumar Panwar, J)

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