

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8851 of 2023

Arising Out of PS. Case No.-68 Year-2022 Thana- MAIN P.S. District- Gaya

Vikash Kumar @ Diwakar Kumar Son of Ramanuj Sharma R/v- Bhori, P.S.-
Tekari, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikas Kumar, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2023 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
18.08.2022 in connection with Main (Pai Bigha) P.S. Case No.
68 of 2022, F.I.R. dated 03.07.2022 for the offences punishable
under Sections 147, 148, 149, 341, 323, 307, 379, 448, 504 and
506 of the Indian Penal Code.

According to prosecution case, one Ram Vinay
Sharma was carrying sand on his tractor from his land.
Informant put objection on the same on which Ram Vinay
Sharma taking rod in his hand started abusing him and called



other persons. This petitioner brought the informant outside his house by putting gamcha on his neck.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that from perusal of the F.I.R. it transpires that the allegation of assault was attributed against the co-accused person, namely, Ram Vinay Sharma and the allegation against the petitioner that he dragged the informant outside his house by putting *gamcha* around his neck. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ram Vinay Sharma against whom allegation of assault has been attributed has been granted bail by a Co-ordinate Bench of this Court vide order dated 26.04.2023 passed in Cr. Misc. No. 67978 of 2022 and another co-accused, namely, Prince Kumar @ Bittu has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 9535 of 2023. The petitioner is in custody since 18.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 5 criminal antecedents other than



the present one.

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 Judicial Magistrate-1st Class, Gaya in connection with Main (Pai Bigha) P.S. Case No. 68 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.

Vanisha/-

(Rajesh Kumar Verma, J)

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