

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16055 of 2023

Arising Out of PS. Case No.-1047 Year-2022 Thana- KANKARBAG District- Patna

VIKASH KUMAR SON OF SATYENDRA PRASAD RESIDENT OF
VILLAGE - CHANDMARI ROAD, MUNSHI BHAGAT PATH, P.S. -
KANKARBAGH, DISTT. - PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Kankarbagh Case No. 1047 of 2022 registered for the offence
under Sections 302 and 34 of the Indian Penal Code.

The petitioner along with others are alleged to
have assaulted the brother of the informant by fists and
slaps causing him injury from inside.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this 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 offence. He further submits that there is no eye witness to the alleged occurrence. He further submits that neither the petitioner is a family member of the deceased nor the family member of the informant rather the petitioner is a common friend of both the parties. He further submits that the petitioner has no concern at all with the alleged occurrence. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the petitioner and no specific allegation of assault or any overt act is attributed to him. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Judicial Magistrate-1st Class, Patna in connection with Kankarbagh P.S. Case No. 1047 of 2022 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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