

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20102 of 2023**

Arising Out of PS. Case No.-486 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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Vicky Kumar S/O- Shambhu Prasad Village- Shyam Cinema Road, Po
Gopalganj, Ps Gopalganj, District Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devashish Giri, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 12-05-2023 Heard Mr. Devashish Giri, learned counsel appearing
on behalf of the petitioner and Mr. Suresh Prasad Singh, learned
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Gopalganj Town P.S. Case No. 486 of 2022 registered
under Sections 302 and 34 of the Indian Penal Code.

3. The prosecution story, in brief, is that the
son(deceased) of the informant had gone to attend the marriage
ceremony where he got involved in fierce fight with some
persons due to which the deceased was assaulted by knife on his



stomach and during course of medical treatment he died. The F.I.R. is against unknown persons.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he was not present at the place of occurrence. Learned counsel further submits that informant had recorded her restatement on 15.06.2022, on the basis of information given by the witnesses who were present at the place of occurrence, in which she has stated that co-accused namely Prabhat Kumar had stabbed her son in the stomach after that the victim was taken to the hospital and on 12.06.2022 in course of treatment the victim died. Learned counsel further stated that informant is not the eye witness. Learned counsel further submits that even after considering the restatement of the informant no specific allegation of assaulting the victim has been made against the petitioner rather the allegation is general and omnibus

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the witnesses who were present at the place of occurrence in course of investigation has supported the case of the informant.

6. Having considered the rival submission of the



parties as well as the matter which has come in course of investigation in the case diary, the specific allegation of committing murder is against one co-accused Prabhat Kumar. No specific allegation has been made against the petitioner by any of the witnesses.

7. In above view of the matter, I am of the opinion that the petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

8. Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 486 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

10. The present bail application accordingly, stands



disposed of.

(Purnendu Singh, J)

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