

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21536 of 2022**

Arising Out of PS. Case No.-246 Year-2021 Thana- KORHA District- Katihar

VIVEK CHAUDHARY @ VIVEK KUMAR CHAUDHARY @ VIVEK KUMAR S/O MANOJ CHAUDHARY R/o village- Marwa, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 10-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Korha P.S. Case No. 246 of 2021 registered for the offences punishable under Sections 302, 201 of the Indian Penal Code.

As per prosecution case, some unknown miscreants killed the informant's son.

Learned counsel for the petitioner submits that petitioner is in custody since 17.07.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the



prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Name of present petitioner has surfaced on the basis of confessional statement of co-accused Dilip Chaudhary. Except confessional statement there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Learned counsel further submits that co-accused Raja Yadav, Sanny Singh and Vinit Kumar Yadav have already been granted bail vide Cr. Misc. No. 68659 of 2021, Cr. Misc. No. 70520 of 2021 and Cr. Misc. No. 67923 of 2021 respectively by co-ordinate bench of this court as mentioned in Annexure-2 Series of the bail petition and the case of present petitioner stands more or less on similar footing. There is no eye witness to the alleged occurrence. Nothing incriminating has been recovered from the conscious possession of the petitioner with regard to commission of occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties, co-



accused persons have already been granted bail by co-ordinate bench and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 246 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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