

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25388 of 2022

Arising Out of PS. Case No.-543 Year-2018 Thana- KUDHNI District- Muzaffarpur

VIKASH KUMAR @ BITTU S/o Lakshman Thakur Resident of Village-
Ratanpur, P.S.- Kamtaul, District- Darbhanga, presently residing at P.G. 1st
Hostel, P.S.- Bihar University, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
: Mrs. Divya Bharti, Adv.
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

10 22-03-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Kudhni (Turki O.P.) P.S. Case No. 543 of 2018 registered for the offences punishable under Sections 364, 504/34 and 302 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner along with other named co-accused persons abducted his brother when he (victim) was taking meal at Vaishali hotel



with his friends. It is further alleged that these miscreants fired on the informant's brother during the alleged incident of abduction and in the morning of the same day, an altercation had taken place in between the informant's brother and co-accused namely Chandan Kumar Jaiswal, on account of some money transaction disputes.

The main submissions advanced by petitioner's counsel are that the petitioner earlier preferred Cr. Misc. No. 32994/2020 which was rejected by then Bench of this Court and thereafter the petitioner has again come before this Court for the same relief mainly on two grounds, firstly, the privilege of bail having been granted to co-accused Shanu Thakur @ Shalu by a co-ordinate Bench of this Court and the said co-accused had criminal antecedents of three cases when he was granted bail and the petitioner's earlier prayer for bail was rejected mainly on the basis of his criminal antecedents and before that one similarly situated co-accused, though he had no criminal antecedent, was granted bail by a co-ordinate Bench of this Court and accordingly, the case of this petitioner stands on similar footing with co-accused Shanu Thakur @ Shalu and second ground is petitioner's long custody period as he has been languishing in jail since 02.03.2020 and in the FIR, there is no



specific allegation of firing against the petitioner and the petitioner's trial is at initial stage.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the facts that two co-accused persons mentioned-above, carrying similar nature of allegation in the FIR are on bail and the petitioner's case stands on similar footing with co-accused Shanu Thakur @ Shalu and also taking into account the petitioner's custody period and the initial stage of the petitioner's trial in present time as appeared from the letter sent by the trial Court, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Kudhni (Turki O.P.) P.S. Case No. 543 of 2018.

(Shailendra Singh, J)

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