

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26898 of 2023

Arising Out of PS. Case No.-68 Year-2021 Thana- BASANHI District- Saharsa

Vicky Kumar @ Vikrant Kumar, Gender-Male, Aged about 22 Years, Son of Ashok Mandal, Resident of Village-Dotara, Ward No. 13, P.S.-Basnahi, District-Saharsa, At present Saharaun, P.S.-Gogri, District-Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhim Kumar Yadav, Advocate
For the Opposite Party : Ms. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Basnahi P.S. Case No. 68 of 2021 dated 07.06.2021, instituted for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and 27 of the Arms Act.

3. The prosecution case, in short, is that on 07.06.2021, in the morning at about 04:00 am, the informant with her family members was sitting in front of their house on a machaan, the petitioner along with the other co-accused persons arrived there, armed with lethal weapons and co-accused Bhanu Mandal fired upon the husband of the informant, which hit near his head and co-accused Sunil Kumar fired from his pistol,



which hit near the ribs of the informant's husband due to which, he died. It is further alleged that other co-accused persons fired in the air. The reason behind the occurrence has been given due to land dispute of the informant's family with one Satyendra Mandal and Sanjay Mandal.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. From perusal of the F.I.R., it shows that allegation of firing upon the informant's husband is only against Bhanu Mandal and Sunil Mandal. No specific allegation of firing against the petitioner. It is further submitted that another co-accused persons, namely, Rohit Singh has already been granted bail *vide Order dated 28.04.2023 passed in Criminal Miscellaneous No. 15314 of 2023* and another co-accused, namely, Niraj Mandal and Sital Mandal have also been granted bail *vide Order dated 03.05.2023 passed in Criminal Miscellaneous No. 8277 of 2023*. Lastly, it has been submitted that the petitioner is in custody since 30.11.2022 having no criminal antecedents and charge-sheet has been submitted in the case.

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

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Saharsa in Basnahi P.S. Case No. 68 of 2021.

(Khatim Reza, J)

Gaurav Kumar/-

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