

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27825 of 2022

Arising Out of PS. Case No.-148 Year-2021 Thana- BEERPUR District- Begusarai

VIKASH KUMAR @ CHHOTU S/o Debu mahto R/o Village and P.S.-
Birpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31688 of 2022

Arising Out of PS. Case No.-148 Year-2021 Thana- BEERPUR District- Begusarai

CHIKKU KUMAR @ ARYAMAN KUMAR @ CHIKU KUMAR S/o Ajay
Singh R/o village - Fazilpur, P.S. - Birpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27825 of 2022)

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.

: Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

For the informant : Mr. Rupesh Kumar, Adv.

: Mr. Avinava Kumar, Adv.

(In CRIMINAL MISCELLANEOUS No. 31688 of 2022)

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

For the Informant : Mr. Rupesh Kumar, Adv.

: Mr. Saurav Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-03-2023 Heard learned counsel for the petitioners and learned
counsel for the informant as well as learned A.P.Ps. for the State.

The petitioners seek bail in a case registered for the
offence under Sections 147, 149, 341, 323, 379, 308, 386, 504
and 506 of the Indian Penal Code.



Allegedly, while the informant was returning to his home, six persons including the petitioner surrounded him near the Birpur bridge and looted cash of Rs. 63,000/- and on protest being made by him, he has been subjected to assault.

Learned counsel appearing for the petitioners submits that the petitioner namely, Vikash Kumar @ Chhotu has clean antecedent and petitioner, namely, Chikku Kumar @ Aryaman Kumar @ Chiku Kumar bears one antecedent as stated in paragraph-3 of the petition. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault or any overt act is attributed to them. He further submits that the specific allegation of demanding ransom is attributed to the co-accused, Chikku Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners and no T.I.P. has been conducted by the prosecution as yet. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners.

Vide order dated 24.01.2023, a report was called for with regard to the present stage of the trial and the report dated 09.02.2023 reveals that charge has been framed against the petitioners on 30.09.2021 and out of five charge-sheet witnesses, none has been examined till date.

In view of the aforesaid, learned counsel for the



petitioners submits that the trial is not likely to be concluded in near future and the petitioners are languishing in judicial custody since 22.03.2022.

Learned counsel for the informant and learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners and submits that during the pendency of the present application, friends of the petitioners have threatened the family of the informant.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Birpur P.S. Case No. 148 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any



stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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