

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32262 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- DHAMDAHA District- Purnia

Vikash Yadav Son Of Sri Bablu Yadav Resident Of Village- Gamhara
Kukroun, Ps- Dhamdaha, Distt- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Dhamdaha P.S. Case No. 144 of 2022 dated 14.06.2022 (Sessions Trial No. 107 of 2023), instituted for the offences punishable under Sections 341, 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that husband of the informant was the driver of a tractor. On 13.06.2022, five named accused persons intercepted the informant's husband and assaulted him and one of them fired due to which informant's husband sustained gun-shot injury. Thereafter, on the way to hospital, the informant's husband died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is further submitted that petitioner is not named in the



F.I.R. and only on the basis of confessional statement of one co-accused, namely, Raja Kumar @ Rajeev Kumar, the petitioner has been made accused in this case. It is further submitted that Raja Kumar @ Rajeev Kumar has been granted bail by the lower court itself. He further submitted that no T.I.P. has been done till date and there is no eye-witness of the alleged occurrence and none of the prosecution witnesses have supported the version of the informant and the entire allegations against the petitioner are false and concocted. He further submitted that during the course of investigation no direct or indirect evidence has come against the petitioner to connect with the alleged occurrence. Lastly, it has been submitted that the petitioner is in custody since 29.11.2022 having two criminal cases against him 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 2nd Additional Sessions



Judge, Purnea in connection with Sessions Trial No. 107 of 2023 arising out of Dhamdaha P.S. Case No. 144 of 2022, subject to the following conditions:

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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