

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31702 of 2022

Arising Out of PS. Case No.-103 Year-2020 Thana- PAROO District- Muzaffarpur

VIKASH KUMAR S/o Ganaur Sahni Resident of Village - Kamalpura,
Pashchimi Tola, P.S. - Paroo, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 08-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Dewendra Narayan Singh, learned counsel appearing on behalf of the petitioner and Mr. Amit Kumar Rakesh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with **Paroo P.S. Case No. 103 of 2020** registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

The prosecution case is based on the complaint case filed by the Informant alleging therein that before the date of occurrence under the complaint case, Informant's father had got lodged Paroo P.S. Case No. 20 of 2012 against the accused



persons, namely, Abhimanyu Singh and the petitioner and in connection with that accused persons always used to make pressure and giving threatening to Informant's father for compromising the said case. It is further alleged that the Informant used to reside at Patna along with his family members whereas his father remained alone at the house. It is further alleged that on 15.07.2018, the Informant received information that his father has been killed and after having received the said information, Informant came to know that the dead body of his father has been taken by police. The mark of strangulation was found on the dead body of the father of the Informant. It has further been asserted that he has reasonable belief that on account of previous enmity accused persons have committed murder of the Informant's father.

Learned counsel for the petitioner submits that admittedly the father of the Informant died on 14.07.2018 and for which a U.D. Case has been registered as contained in Annexure-2 to the petition, wherein, it has been specifically mentioned that the father of the Informant was an ailing person and he died on account of illness, however, after autopsy, viscera has been sent to FSL. He next submits that after 16 months, a complaint has been filed which was later on sent to



the concerned police station under section 156(3) of the Cr.P.C resulting into institution of the present FIR and allegation has been levelled that the petitioner has killed the father of the Informant. Learned counsel while making submission drawn the attention of this Court that the reason behind the occurrence as disclosed in the FIR does not corroborate for the simple reason that the allegation of the Informant falsifies on account of the fact that the petitioner has not been made accused in Paroo P.S. case No. 20 of 2012. He next submits that save and except the suspicion there is no material even collected during the course of investigation pointing towards the involvement of the petitioner in the present crime. He lastly submits that petitioner is in custody since 10.08.2021 and now the investigation is complete.

On the other hand, learned counsel for the State while opposing the bail application submits that father of Informant had died on account of administration of poison and there was enmity between the parties and as such the complicity of the petitioner cannot be ruled out. He also submits that petitioner is a man carrying four criminal antecedents.

Regard being had to the submissions made on behalf of the parties and considering the delay in filing of the



complaint which subsequently resulted into institution of the present FIR as also the materials available on record which only talks about suspicion coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned **ACJM-III, Muzaffarpur** in connection with **Paroo P.S. Case No. 103 of 2020**, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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