

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32753 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- BAHADURPUR District- Patna

VICKY KUMAR @ VINIT @ VINIT KUMAR S/o Sri Chandeshwar Mahto
Resident of Rampur Nahar Par Mahabir Asthan, P.S.- Bahadurpur, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Adv.
Mr. Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-03-2023 Heard Mr. Ajay Kumar Thakur, learned Senior
counsel for the petitioner and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 304(B), 201 and 34 of the
Indian Penal Code.

According to prosecution case, there is allegation
against the petitioner that he along with other co-accused
persons committed murder of the deceased due to non-
fulfillment of the demand of dowry.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case on the ground that the petitioner is



husband of the victim. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and in fact the victim has committed suicide herself. He further submits that it has come during investigation in paragraph 35 and 36 of the case diary that the victim has committed suicide herself and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.05.2021.

Vide order dated 13.02.2023 a report was called for with regard to the stage of the trial. Report dated 17.02.2023 reveals that the record of the present case has been sent to the court of Sessions on 16.02.2023 and the case is pending for framing of charge.

Learned counsel for the petitioner submits that in view of the report, the trial is not likely to be completed in near future and the petitioner is in custody since 24.05.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Court below where the case is pending in connection with Bahadurpur P.S. Case No. 115 of 2021, 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 shall remain physically present as directed 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. 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.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. 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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