

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37163 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- DIDARGANJ District- Patna

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BINOD KUMAR @ VINOD KUMAR SON OF YOGENDRA SINGH R/O-
VILL-MAHAMADPUR, P.S.- DIDARGANJ, DIST.- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar
For the Informant	:	Mr. Nandu Kumar Yadav
For the State	:	Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with S.Tr. No. 616 of 2022 arising out of Didarganj P.S. Case No. 20 of 2022 registered for the offences punishable under Sections 341, 406, 302, 324/34 of the Indian Penal Code.

As per prosecution case, there is allegation that petitioner is order giver and he is also alleged to have assaulted on the head of the informant's father. It is further alleged that co-accused Raushan Kumar fired upon Vikram Kumar causing his death at the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 23.03.2022, as mentioned in impugned order. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the possession of the petitioner. There is direct allegation of firing against co-accused Raushan Kumar upon the deceased. The allegation against the petitioner is that he is mere order giver and also he has assaulted the informant's father by means of iron rod but no injury report is available on the record. Learned counsel for the petitioner further submits that incident is occurred at 10:00 A.M. and F.I.R. has been lodged at 18:20 P.M. and there is no explanation of delay of 8:20 hours in lodging the F.I.R..

The learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner by contending that there is direct allegation of assaulting informant's father against the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, petitioner is mere order giver of the alleged occurrence, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material



available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge – II, Patnacity in connection with S.Tr. No. 616 of 2022 arising out of Didarganj P.S. Case No. 20 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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