

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38503 of 2023**

Arising Out of PS. Case No.-330 Year-2022 Thana- TEGHRHA District- Begusarai

VIKASH KUMAR SHARMA@VIKASH KUMAR@VIKASH SHARMA
SON OF VIJAY LAL SHARMA RESIDENT OF VILLAGE-
THAKURICHAK, WARD NO. 9, NEAR DURGA STHAN, GARHARA,
PS- BARAUNI, (GARHARA OP), DISTT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 18-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Teghra
P.S. Case No. 330 of 2022 dated 01.12.2022 registered for the
offence under Sections 120(B), 302, 379 and 34 of the Indian
Penal Code and also Section 27 of the Arms Act.

The petitioner is alleged to have assaulted the
father of the informant due to which he admitted to the
hospital and died during course of treatment.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the inquest
report has been prepared before the filing of the F.I.R. and



the informant does not claim to be the eye witness to the alleged occurrence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 29.11.2022 whereas the instant F.I.R. has been lodged on 01.12.2022 after delay of about two days without any explanation. He further submits that it has come during investigation that the co-accused, Abhishek Kumar was in touch with the deceased and the petitioner was in touch with the co-accused and on that basis, name of this petitioner has been dragged in this case. He further submits that though the petitioner has confessed his guilt before the police, which is at paragraph-52 of the case diary, but the same has no evidentiary value in the eye of law. Save and except the CDR showing connection of the petitioner with the co-accused and also his self confession, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.01.2023.

Learned A.P.P. for the State on the basis of material



available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the CDR location collected during investigation clearly suggest that the petitioner was in touch with the other accused persons and he has confessed his guilt which is evident from paragraph-52 of the case diary. Besides that petitioner carries one more case other than the present one but he fairly submits on the basis of paragraph-3 of the petition that the petitioner has been acquitted of the charges leveled in the pending F.I.R.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 330 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be



canceled 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.

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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