

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36869 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

VIKASH KUMAR Son of Jay Prakash Sao Resident of Mohalla- East Laxmi
Nagar, Police Station- Ram Krishna Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Giridhar Gopal Tiwary

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-01-2023 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 Ram
Krishna Nagar P.S. Case No. 110 of 2022 registered for the
offences punishable under Sections 147,149,341,323,324,307
and 379 of the IPC.

As per prosecution case, petitioner and others are
alleged to have assaulted the informant by iron rod and knife
with intention to kill.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.02.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that injury report is very much peculiar as neither nature of weapon is mentioned in the injury report nor is there any specific explanation regarding the injuries that out of four injuries which injury is grievous in nature. He further submits that from perusal of the FIR, it appears that alleged occurrence took place on 27.02.2022 at 8 P.M and the FIR lodged on 28.02.2022 at 8 A.M. without any explanation of delay in lodging the FIR. He further submits that there is no specific overt-act attributed against the petitioner. Allegation against the petitioner are general and omnibus in nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, no specific overt-act attributed against the petitioner, keeping in view clean antecedent of petitioner, 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 ACJM-XIII, Patna in connection with Ram Krishna Nagar P.S. Case No. 110 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)

vashudha/-

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