

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40625 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- UDAKISHUNGANJ District- Madhepura

VIKASH KUMAR @ VIKASH YADAV Son of Chetan Yadav Resident of
village - Latra, P.S. - Gopalpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 18.01.2023, in connection with Udakishunganj P.S. Case No. 19 of 2022, F.I.R. dated 26.01.2022 registered for the offences punishable under Sections 302/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the F.I.R. Manager, namely Lal Kumar Yadav of Ashirwad Nurshing Home of Udakishunganj Bazar was shot dead by some unknown miscreants about which informant got information by telephonic call. Injured died on the way to Hospital. The alleged occurrence took place in the background of election rivalry and land dispute.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from a bare perusal of the F.I.R. it appears that the informant is not an eye witness of the alleged occurrence and the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely Barun Kumar Singh and in his confessional statement he has categorically stated that Shiyaram Mehta and Biren Singh had killed the deceased. He further submits that there is no accusation of any assault or overt act attributed against the petitioner and co-accused person namely Biren Singh @ Birendra Singh @ Biran Singh has been granted bail by this Court vide order dated 07.04.2023 passed in Cr. Misc. No. 54535 of 2022, another co-accused person namely Ramesh Goswami has been granted bail by this Court vide order dated 12.05.2023 passed in Cr. Misc. No. 803 of 2023, another co-accused person namely Mantu Singh has been granted bail by a Coordinate Bench of this Court vide order dated 17.01.2023 passed in Cr. Misc. No. 33958 of 2022, another co-accused person namely Natwar Chaudhari has been granted bail by a Coordinate Bench of this Court vide order dated 22.03.2023 passed in Cr. Misc. No. 67472 of 2022, another co-accused person namely Barun Kumar @ Varun Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 21.06.2023 passed in Cr. Misc. No. 36337



of 2023, another co-accused person namely Shiyaram Mehta has been granted bail by a Coordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 51066 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.01.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner has actively participated in the present crime in question and he was present at the place of occurrence and apart from the aforesaid, the petitioner carries four more cases other than the present one.

6. Considering the facts and circumstances of the case, 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 Additional Sessions Judge cum Special Judge Ist, Madhepura in connection with Udakishunganj P.S. Case No. 19 of 2022, 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 witness, 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 antecedents, 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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