

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40003 of 2022

Arising Out of PS. Case No.-505 Year-2021 Thana- PATNA CITY CHOWK District- Patna

VIKASH KUMAR @ LANGRA S/o Late Pramod Kumar @ Pramod Prasad
Resident of Humad Gali, Bhitari Begumpur, Patna City, P.S.- Chowk, District
- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar
		Mr. Upendra Prasad
		Mrs. Veena Kr Jain
For the Opposite Party/s :		Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-01-2023 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.T. No.
482 of 2022 arising out of Chowk P.S. Case No. 505 of 2021 (G.R.
No. 4805 of 21) registered for the offences punishable under Sections
302, 201 and 34 of IPC and Section 27 of Arms Act.

As per prosecution case, petitioner and others are
alleged to have committed the murder of informant's son.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.12.2021 and bears criminal
antecedent of seven cases in which he is on bail. Charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no eye witness to the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and committed no offence as alleged in the FIR.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

Considering the facts and circumstances of the case, period of custody, 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, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II, Patna City in connection with S.T. No. 482 of 2022 arising out of Chowk P.S. Case No. 505 of 2021 (G.R. No. 4805 of 21), 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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