

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40538 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- KALYANPUR District- Samastipur

VIKASH KUMAR Son of Sri Chandrakant Prakash @ Chunnu Prasad Singh
Resident of village - Somnaha, Tola Chaksima, P.S. - Chakmehsi, Distt. -
Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Ms. Rina Sinha, Advocate
For the Informant	:	Mrs. Anu Priyadarshni, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner and the State as also Mrs. Anu Priyadarshni, who

represent the informant.

The petitioner is in custody in connection with
Kalyanpur P.S. Case No. 55 of 2022 for the offence under
Sections 341, 323, 307, 506, 34 and 504 of the Indian Penal
Code and Section 27 of the Arms Act lodged on 12.02.2022 by
the informant, Shambhu Kumar.

As per the prosecution story, the informant alleged
that he had gone to purchase fish and while returning, the
accused persons including the petitioner herein surrounded and
further allegation is that Chandradeo Prasad and Kamlesh



Kumar who opened fire caused injuries. Subsequently, he was taken to Darbhanga Medical College and Hospital for treatment and further sent to Paras Hospital, Patna. Accordingly, the F.I.R.

Subsequently, the informant succumbed to his injuries after few months.

Learned counsel for the petitioner submits that the main allegation is against Chandradeo Prasad and Kamlesh Kumar of opening fire causing fatal injuries to the informant.

So far as this petitioner is concerned, he only surrounded him.

It is his further submission that the petitioner is in custody since 15.03.2023 (as stated in paragraph 16 of the petition) though he concedes that he has criminal antecedent.

Learned counsel for the informant submits that it was due to the injuries caused by fire arm that the informant died belatedly and as such the petitioner cannot exonerate himself for the allegation.

Considering the fact that the allegation is specific against two accused persons, named above, of opening fire causing injury to the informant who subsequently died, against this petitioner, the only allegation is of surrounding the informant, has remained in custody since 15.03.2023 and



ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, in connection with Kalyanpur P.S. Case No. 55 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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