

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47132 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- AGAMKUAN District- Patna

Vicky Kumar Son Of Tarun Mahto R/O Village Chhoti Pahadi, P.S.-
Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
29.01.2023 in connection with Agamkuan P.S. Case No. 260 of
2022, F.I.R. dated 02.04.2022 for the offences punishable under
Sections 302, 201 and 120B of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons have committed the murder of the
son of the informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of suspicion.
He further submits that as per the allegation, the petitioner and
other accused persons have took the son of the informant and



thereafter, the dead body of the son of the informant was found in a truck. He further submits that at best last the petitioner was last seen with the deceased and there is no eye witness of the alleged occurrence and even the informant is not the eye witness of the said occurrence and merely on the basis of suspicion, the petitioner has been implicated in this present false and fabricated case. He further submits that in the F.I.R. no reason was assigned by the informant that why the petitioner had killed the son of the informant. He further submits that except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.01.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate IV, Patna City, Patna in connection with Agamkuan P.S. Case No. 260 of 2022, subject



to the following conditions:-

i. 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.

ii. 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.

iii. 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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