

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43390 of 2022

Arising Out of PS. Case No.-260 Year-2018 Thana- TATARPUR District- Bhagalpur

Vikash Kumar @ Vikki Paswan, Son Of Munilal Paswan, Resident Of Village
- Railway Colony Barari, P.S.- Barari, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 25-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Tatarpur P.S. Case No. 260 of 2018 registered for the alleged offences under Sections 386, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, three miscreants threatened the informant and demanded Rs. 2-3 lacs as extortion money. When the informant opposed, one of the miscreants opened fire and the shot hit the informant in his right chest. Informant named co-accused Kapil Yadav, who demanded extortion money three years back. During investigation, the name of the



petitioner transpired as one of the miscreants.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case on the basis of confessional statement of co-accused Kailash Yadav. Nothing incriminating has been recovered from the possession of this petitioner or at his instance. Learned counsel further submits that the allegation of opening fire is against co-accused Pappu Mishra. Other co-accused, namely, Kailash Yadav and Pappu Mishra have been granted bail by a Co-ordinate Bench of this Court vide order dated 25.06.2019 passed in Cr. Misc. No. 38757 of 2019 and order dated 17.10.2019 passed in Cr. Misc. No. 64356 of 2019, respectively. The petitioner is in custody since 17.05.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent and allegation against him is quite serious.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offence as alleged and further considering the period of



custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Bhagalpur in connection with Tatarpur P.S. Case No. 260 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

