

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49651 of 2023**

Arising Out of PS. Case No.-439 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Vikas Kumar @ Vikash Kumar, S/o Ashok Paswan, Resident of Mohalla-
Ameerganj Dharampur, Ward No. 3, P.S.-Mufassil, District-Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 09-08-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Muffasil P.S. Case No.439 of 2022 registered for the

offences punishable under Sections 302, 201 and 120-B read

with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is

in custody since 22.02.2023.

4. Allegation against the petitioner is to commit

murder of the minor daughter of informant aged about 17 years

along with other co-accused persons by using sharp-edged cut

weapons, where occurrence arises out of previous enmity, as

earlier father of informant refused to marry the deceased-



daughter with petitioner.

5. It is submitted by learned counsel that informant is not the eye-witness of the occurrence and merely on the ground of suspicion, as some occurrence of outraging modesty was took place two months prior to this occurrence, the present false implication was raised, where the daughter of informant was murdered by some unknown miscreants. It is submitted that nothing surfaced during the course of investigation out of said suspicion, which may suggest that petitioner was involved in present occurrence of murder. It is also pointed out that no incriminating substances appears to be recovered from this petitioner as to connect him with present occurrence of murder. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as save and except suspicion, nothing surfaced incriminating against this petitioner during the course of investigation as to connect him *prima facie*



with present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.02.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Samastipur in connection with Muffasil P.S. Case No.439 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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