

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47748 of 2023

Arising Out of PS. Case No.-699 Year-2022 Thana- BARH District- Patna

Vikash Kumar Son Of Ajay Mahto @ Dhipal Mahto Resident Of Village-
Barki Jamunichak, Ps- Barh, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 28.10.2022, in connection with Barh P.S. Case No. 699 of 2022, F.I.R. dated 27.10.2022 registered for the offences punishable under Sections 341, 323, 329, 302, 307, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with other co-accused person namely Shani Thathera had fired upon the wife of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. that the petitioner and other co-accused person namely



Shani Thathera have fired upon the wife of the informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not fired the wife of the informant and the petitioner was present at the place of occurrence along with other co-accused persons. He further submits that it has come during investigation in paragraph-8 of the case diary that co-accused person namely Shani Thathera fired upon the wife of the informant and co-accused person namely Roshan Kumar and Monu Kumar have been granted bail by a Coordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 22226 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.10.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that in the F.I.R. there is specific allegation that the petitioner along with co-accused person fired upon the wife of the informant and apart from the aforesaid, petitioner carries one more case other than the present one in which he is on bail.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail 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.C.J.M. 1st, Barh, Patnain connection with Barh P.S. Case No. 699 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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