

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49772 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- CHANDI District- Bhojpur

VIKASH KUMAR S/o Dwarika Yadav Resident of Village- Bishunpur, P.S.-
Chandi, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nihar Nandan Ambasta

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 25-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Chandi
P.S. Case No. 60 of 2022 registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code.

As per prosecution case, petitioner and others started
abusing and assaulting informant's father with bamboo, vehicle jack
and iron rod as a result of which he sustained injury and died during
course of treatment.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.03.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and there is
no likelihood of tampering with the prosecution evidence. He further



submits that present case is counter blast to case lodged from petitioner side vide Chandi P.S. Case No. 58 of 2022 in which five persons were injured from the petitioner side and in that context free fighting cannot be ignored. He further submits that there is no specific allegation attributed against the present petitioner rather the same are general and omnibus in nature. He further submits that there are altogether five injuries on the body of the deceased while allegedly the assailants were nine including the present petitioner and hence postmortem report also does not support the allegation. He further submits that there is no allegation of pre-planning to commit the said occurrence rather from the persusal of FIR, it appears that all the things which were kept nearby has been taken by petitioner to assault the informant's father.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner is one of the party to the alleged occurrence.

Considering the facts and circumstances of the case, period of custody, there is a case and counter case between both the parties, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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. Vth, Arrah in connection with Chandi P.S. Case No. 60 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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