

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60144 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- BARH District- Patna

BIPIN KUMAR @ BIPIN RAM SON OF RAM VACHAN RAM VILLAGE-
KHARUARA, PS- HARNAUT, DIST- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate
For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Barh P.S. Case No. 98 of 2023 for the offence punishable under Sections 302, 120(B), 34 of the Indian Penal Code & 27 of the Arms Act lodged on 10.2.2023 by the informant, Gaurav Kumar.

3. As per the prosecution story, the informant has alleged that he along with his father and sister were returning from college after intermediate examination, he was intercepted by their family members and on the order of the informant's grand-father, one Bablu Yadav opened fire in the chest causing injury and death. The informant fled away for safety of his life but Sanjay Yadav opened fire. Accordingly, the FIR.

4. The case of the petitioner is that he is not related to



the family, his name has come in the CDR location, one co-accused, whose name has come due to CDR location Vikee Kumar @ Vicky Kumar has since been released on bail in Cr. Misc. No. 31292 of 2023.

5. Learned APP opposes the prayer stating that the matter relates to killing of a person.

6. Considering the fact that the informant is not the eye-witness and he has made specific allegation against Bablu Yadav who opened fire which resulted into immediate death of his father, the name of the petitioner has come during investigation may be a conspirator, similarly situate Vikee Kumar @ Vicky Kumar has been granted bail, as stated above, is in custody since 16.2.2023 (para-9 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.,-1st, Barh, Patna, in connection with Barh P.S. Case No. 98 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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