

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60419 of 2022**

Arising Out of PS. Case No.-164 Year-2022 Thana- CHAPRA TOWN District- Saran

VINOD KUMAR Son of Bishwanath Prasad Resident of Mohalla- Narayan
Chowk Dahiwan, P.S.- Chapra Town, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Adv
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Viveka Nand Singh, Adv

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioner, Mr. Dr. Ajeet Kumar, learned Additional Public Prosecutor for the State and Mr. Viveka Nand Singh, learned counsel for the Informant.

The petitioner seeks regular bail, who is in custody in connection with **Chapra Town P.S. Case No. 164 of 2022** registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 302/34 of the Indian Penal Code.

The prosecution case is based upon the *fardbeyan* of



Informant alleging therein that this petitioner has caught hold the Informant by holding the collar of the deceased and co-accused Chandan Kumar stabbed him with knife on account of which he received injuries and later on succumbed to his injuries. It is alleged that the petitioner took away Rs. 10,000/- from cash counter and golden chain from the neck of the Informant.

Learned counsel appearing on behalf of petitioner submits that from the FIR it is apparent that specific allegation of causing knife blow has been levelled against co-accused Chandan Kumar and so far as the petitioner is concerned, allegation is made that he caught the Informant by holding his Collar. He further submits that so far as taking away of Rs. 10,000/- and snatching of golden chain is concerned i.e. ornamental in nature. He also submits that the petitioner is a man of fair antecedent and is in custody since 19.07.2022 and moreover the investigation of the case is complete and chargesheet has already been submitted.

On the other hand, learned counsel for the State, while opposing the bail application submits that the petitioner along with other co-accused persons was sharing the common intention in killing the Informant and as such, he does not



deserve the privilege of bail.

Regard being had to the submissions made on behalf of the parties and considering nature of allegation as well as period of custody as also the fact that prior to the institution of the case, petitioner was not found involved in any other criminal case and, moreover, the investigation is already complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned **ADJ-11th Saran** in connection with **S.T. No. 348 of 2022 (arising out of Chapra Town P.S. Case No. 164 of 2022)**, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned



order, shall not be delayed for this purpose or in the name
of verification.

(Harish Kumar, J)

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