

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62311 of 2022**

Arising Out of PS. Case No.-149 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Vicky Kumar Son of Ranju Rai Resident of Village - Marufganj, Andra Ghat,
P.S.- Malsalami, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 29-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/120(B)/34/ 386/201 of
the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, when the informant
and owner of the Til Oil Factory namely, Pramod Kumar Bagla
went his factory, in the meantime, accused persons also came
and demanded extortion money. It is further alleged that the co-
accused persons opened fire upon them as a result of which
Pramod Kumar Bagla sustained injury and later on died.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Monu Kumar and self confessional statement of the petitioner. He further submits that there is specific allegation of shot firing attributed against the accused persons, namely, Golu @ Rohit Kumar and Ranjeet Kumar @ Belchhi. He further submits that it has come during investigation on the basis of the CCTV footage that the petitioner was not seen at the place of occurrence. He further submits that till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rakesh Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.10.2022 passed in Cr. Misc. No. 36198 of 2022 and another co-accused, namely, Ajit Kumar @ Ajeet Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.10.2022 passed in Cr. Misc. No. 37072 of 2022. The petitioner is in custody since 04.04.2022.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Chowk P.S. Case No. 149 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 witnesses, 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 antecedent, 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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