

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67817 of 2022**

Arising Out of PS. Case No.-203 Year-2020 Thana- BELAGANJ District- Gaya

Vikash Kumar S/o Sri Sudama Paswan R/o Village- Panari, P.S.- Belaganj,
Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vaishnavi Singh, Advocate Mr. Ajay Thakur, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 15-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Belaganj
P.S. Case No. 203 of 2020 registered for the offence under
Sections 147, 149, 341, 323, 307 and 302 of the Indian Penal
Code (for short 'I.P.C.').

The accused/petitioner is named in the F.I.R. and is in
custody since 03.08.2022.

The allegation against the petitioner is to commit
murder of the son of the informant due to issues related with
taking water from a hand-pump, while he was returning after



playing cricket alongwith other co-accused persons/friends. It is alleged that assault was caused by bat-wickets, fight and fist.

Learned counsel, Mr. Ajay Thakur, appearing on behalf of the petitioner submitted that the nature of allegation as regard to assault is appearing very much general and omnibus against this petitioner. It is submitted that only two ante-mortem injuries on the whole body of the deceased were noticed i.e., one upon temporal area and another on the eye-brow, which is not appearing convincing on its face, where it is alleged that deceased was assaulted by ten persons. It is further submitted that similarly situated co-accused person, namely, Jyotish Kumar, whom alleged to assault the deceased with bat and wicket, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 35065 of 2020 vide order dated 23.12.2020. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that this is a case of collective assault causing death of son of the informant and fairly conceded that the allegation



against this petitioner is only to be a part of mob and no specific allegation as regard to assault was attributed to him.

Considering the facts and circumstances as mentioned above, as there is no specific allegation, as regard to assault, is available against this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Belaganj P.S. Case No. 203 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Gaya/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions that:

“The Court below shall verify the criminal antecedent of the petitioner and in case, after investigation, it is found that petitioner has criminal antecedent, then, the Court below shall take step to cancel the bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

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