

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69857 of 2022

Arising Out of PS. Case No.-431 Year-2022 Thana- GOPALPUR District- Patna

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VICKEY KUMAR S/O Bambam Prasad @ Hari Bambam Prasad R/O
Village- Ilahibag Akal Tola, P.S- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anjani Parashar, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For the informant	:	Mr. Raj Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners, learned APP
for the State as also learned counsel for the informant.

The petitioner apprehends his arrest in connection with Gopalpur P.S. Case No. 431 of 2022 for the offence registered under sections 341, 323, 325, 307, 504/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution story, the allegation is that the accused persons, who are agnates, firstly abused and upon protest, used bricks, and stones to injure them. They also resorted to indiscriminate firing. In that process, informant's



brother was injured and was sent to the P.M.C.H. for treatment. Accordingly, FIR has been lodged.

Learned counsel for the petitioner submits that the case of the petitioner is counterblast of Gopalpur P.S.Case No. 431 of 2022 wherein the allegation of assault attributed to the informant side. It is his next contention that the injuries of the Mithilesh Kumar have been found to be simple in nature and similar placed co-accuseds namely Ajeet Kumar, Parmanand Ray @ Bhondu Ray against whom omnibus allegations were there have been granted the relief of anticipatory bail vide Cr. Misc. No.67987 of 2022, Cr. Misc. No.68015. Further considering that the informant and accused persons are neighbours, without accepting the allegation, would like to give medical assistance to Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials.

Learned APP opposes the prayer for bail of the petitioners.

Taking into account the aforesaid facts as also that the injury has been found to be simple in nature, the petitioner do not have criminal antecedent and similar placed co-accused



against whom omnibus allegations were there have been granted the relief as stated above, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Gopalpur P.S. Case No. 431 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

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

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) 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/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(v) 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;

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

(Rajiv Roy, J)

Prakash Narayan /-

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