

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70973 of 2022

Arising Out of PS. Case No.-391 Year-2021 Thana- KOTWALI District- Munger

Vikky Kumar @ Vicky Kumar S/O Raj Kumar Tanti @ Raj Kumar R/O
Village- Nayagaon, P.S- Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

The brother of the deceased is said to have been died
on account of earlier dispute by the petitioner and his
companions.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case on the basis of suspicion. He further submits that
the informant is not an eye witness of the alleged occurrence.
He further submits that it appears from the F.I.R. altogether four
persons have been named in the F.I.R. with allegation of



indiscriminate firing upon the brother of the informant but the postmortem reveals that the deceased received two wounds of entry and one exit wound. He further submits that there is no specific allegation against the petitioner rather there is general and omnibus allegation against him. He further submits that similarly situated co-accused Bipin Sao against whom the allegation of firing has been granted bail by this Court vide order dated 22.08.2022 passed in Cr. Misc. No. 11672 of 2022, another co-accused Jyotish Kumar has been granted bail by this Court vide order dated 22.08.2022 passed in Cr. Misc. No. 7536 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in two cases.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection Kotwali
P.S. Case No. 391 of 2021, with 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 witness, 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 antecedents, 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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