

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9626 of 2024

Arising Out of PS. Case No.-548 Year-2022 Thana- TRIVENIGANJ District- Supaul

Vikas Kumar @ Bikash Kumar S/O Tej Narayan Rai Village-Kusaha, Ward
No. 8, P.S.-Tribeniganj, District-Supaul, Pin Code-852139

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Tanushri, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Ms. Tanushri, learned counsel for the

petitioner and Mr. Syed Ehteshamuddin, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Triveniganj P.S. Case No. 548 of 2022, F.I.R. dated 03.12.2022 for the offences punishable under Sections 148, 149, 447, 427, 504, 341, 323, 325, 307 and 379 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other accused persons armed with weapons assaulted the informant and his family members.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. She further submits that the date of occurrence as alleged in the F.I.R is 01.12.2022 but the present F.I.R has been instituted on 03.12.2022 i.e. after delay of two days without giving any explanation of the said delay. She further submits



that from perusal of the F.I.R it appears that there is specific allegation of assault attributed against the petitioner that he has assaulted Niraj Kumar and Pappu Rai. She further submits that the injury report of Niraj Kumar suggests that the injury is simple in nature caused by hard and blunt substance but the injury report of Pappu Rai suggests that the injury nos. 1,2 and 3 are simple in nature but the injury no. 4 is grievous in nature which is caused due to swelling in left hand but the same is not the vital part of the body.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation of assault and overt act attributed against the petitioner and apart from that the petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Additional Chief Judicial Magistrate-I, Supaul in connection



with Triveniganj P.S. Case No. 548 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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