

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20796 of 2024

Arising Out of PS. Case No.-372 Year-2022 Thana- BYPASS District- Patna

Vicky Kumar @ Tiktik S/o Late Munna Yadav Resident of Neem Ghat
Jhoparpatti PS Khajekala District Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 23-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bypass
PS Case No. 372 of 2022, dated 07-09-2022, instituted for the
offence punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The prosecution case, in short is that while the
informant's brother and one Chandan Kumar were standing near
Shitla Mandir Road, Roopwati Community Hall, after parking
his scooty, some criminals attacked and fired upon the brother of
the informant, which hit on his cheek and when Chandan Kumar
intervened, criminals also fired upon him which hit on his head.
It is further alleged that informant's brother and Chandan
Kumar succumbed to death due to gun shot injuries.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Mantosh Kumar and Sanjay Kumar Keshri @ Chiku Kumar, and the same has no evidentiary value. They have been granted bail vide orders passed in Cr. Misc. Nos. 20700 2023 and 26494 of 2023 respectively. There is no eye witness of the occurrence. There is no specific allegation against the petitioner. Nothing has been recovered from the possession of the petitioner. Other co-accused persons, namely, Ganesh Kumar, Rahul Kumar @ Mod @ Rahul Rai @ Mor and Ashish Pandey have been granted bail by Co-ordinate Bench of this Court vide orders, passed in Cr. Misc. Nos. 5266 of 2023, 15342 of 2023 and 16929 of 2023. Petitioner is in custody since 17-10-2022. Lastly, it is submitted that six criminal cases are pending against him.

5. Learned APP for the State has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ADJ- IV Patna city, in Sessions Trial No. 801 of 2023 arising out of Bypass PS Case No. 372 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. 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.

(Khatim Reza, J)

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