

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27440 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- SONBERSHA RAJ District- Saharsa

Vakil Kumar @ Vakil Ram @ Wokil Ram @ Wokil Kumar Ram Son Of
Chaturi Ram @ Chulho Ram Resident Of Village - Kanaura, P.S. - Sonbarsa
Raj, District - Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Sonbarsha Raj P.S. Case No.263 of 2023, lodged on
15.11.2023, under Sections 341/323/307/34 of the Indian Penal
Code. Subsequently, offence under Section 302 of the Indian
Penal Code was added.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the present petitioner
against whom there is an allegation that they have attacked by
sharp edged knife and got injured two grand-sons of the
informant and due to the said injury the grand-sons of the
informant were admitted to Hospital. During treatment one had



been declared dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that antecedent of the petitioner is clean. He is in custody since 02.01.2023. Counsel submits that the present case is ought and ought false and factual matrix of this case is otherwise. He submits that one Nibha Kumari left her house to perform marriage with the petitioner against the wishes of the family and they have called the petitioner and tried to commit murder by knife. He submits that seeing all these things, the said Nibha Kumari pushed her brother, who fell down and the petitioner fled away from the place. Subsequently, the brother had attacked by knife to murder her sister Nibha Kumari. Nibha Kumari subsequently performed marriage on 22.11.2023 and filed also application before the I.O. and the S.P. Saharsa in this regard. He submits that the allegation made in the FIR is absolutely false.

5. Learned counsel for the State opposes the prayer for bail.

6. Upon the specific query of the Court that whether charges have been framed or not. Counsel for the petitioner submits that as per his knowledge charge has not been framed



but he submits that from the post mortem report it is very much clear that death has not been caused by sharp cutting weapons as alleged in the FIR.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Sonbarsha Raj P.S. Case No. 263 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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