

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23894 of 2024

Arising Out of PS. Case No.-230 Year-2022 Thana- MASAUDHI District- Patna

Vikash Kumar @ Vikash Kumar Singh Son of Kamal Singh Resident of
Village- Nanaur Phularhi, P.S.- Sahar, Dist.- Bhojpur (Arah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Masaurhi
P.S. Case No. 230 of 2022 dated 27.04.2022 registered for the
offence punishable under Sections 302, 504, 506/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the date of
occurrence the father of the informant was at his shop. At about
6:50 am, two persons, namely, Sanjay Kumar and Chhotu
Kumar @ Chhote Sarkar having pistols came on their
motorcycle and Dhananjay Kumar @ Ranjay Kumar, who was
also armed with pistol, entered into the shop and all three
persons started firing indiscriminately out of which 3-4 firearm



shots hit to his father and he died on the spot thereafter all the three persons fled away.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that main allegation of assault by pistol is on three persons Sanjay Kumar, Chhotu Kumar @ Chhote Sarkar and Dhananjay Kumar @ Ranjay Kumar, who assaulted the informant's father. Subsequently, he died on the spot. It is further submitted that the petitioner has been made accused only on the basis of confessional statement of co-accused Abhishek @Chhote Sarkar, Except this nothing has been found against the petitioner. Only on the basis of criminal antecedent, petitioner's bail application has been rejected. Lastly, it has been submitted that the petitioner is in custody since 04.08.2023, having five criminal case against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

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 learned A.C.J.M., Masaurhi in connection with Masaurhi P.S. Case No. 230 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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