

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26140 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- KAKO District- Jehanabad

Vikas Kumar Son Of Lal Babu Yadav Resident Of Village - Paigambarpur,
P.S. - Kako (BHELWAR O.P.), District - Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv Mr. Rakesh Kumar Sharma, Adv
For the Opposite Party/s	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 12-07-2024 1. Heard learned senior counsel for the petitioner, Shri. Ramakant Sharma, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.
3. Learned senior counsel for the petitioner, at the outset, submits that the petitioner and the informant are own cousin brothers and the deceased was the uncle of the petitioner. It is further submitted that from perusal of allegation as alleged in the FIR, it would manifest that the informant, concealing the relationship of the petitioner with the deceased, instituted the instant FIR giving an impression as if the deceased was walking



when all of a sudden criminals came and started assaulting him and this petitioner is alleged to have assaulted indiscriminately by spade on neck and chest of the deceased leading to his death. It is next submitted that the FIR does not even remotely suggest the reason for the occurrence, which casts an aspersion on the case of the prosecution, when petitioner and the informant are related.

4. It is next submitted that father of the petitioner is own brother of the deceased and were having dispute relating to land. It is next submitted that the petitioner (Vikas) was sowing his land when the deceased along with others came and objected, on account of which an altercation took place and both sides assaulted each other. It is next submitted that it may be a possibility that during the course of assault, the deceased received injury leading to death, but then the allegation of indiscriminately assaulting the deceased by spade on his chest and neck by Vikas gets falsified from the post-mortem report as the same does not even remotely suggest that the deceased suffered any injury of the nature as alleged in the FIR. It is further submitted that since side of the informant was aggressor, as such the informant while instituting the instant FIR deliberately chose not to assign any reasons for the occurrence.



It is next submitted that since father of the petitioner and the deceased were own brother and a fight in between the families had taken place, as such there had to be a reason for the same, but concealment of the reason in the FIR, casts an aspersion on the case of the prosecution. It is also submitted that no doubt one person has died but then the occurrence took place on account of dispute relating to property and the petitioner is a young boy aged about 20 years and if he remains in judicial custody for a prolong period, his entire future will get jeopardized as chances are bright that he may come in contact with hardened criminals, when petitioner admittedly is a person with clean antecedents. It is also submitted that charge-sheet in the case has been submitted and the petitioner will not abscond rather will cooperate in the trial. It is next submitted that petitioner is in custody since 16-11-2023. It is also submitted that allegation of assault against other accused, including the father of the present petitioner, is general and omnibus in nature.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant oppose the prayer for bail of the petitioner but then are not in a position to rebut the submission of the learned senior counsel appearing on behalf of the petitioner that the deceased did not suffer any injury on neck



and chest in the manner as alleged in the FIR and that the informant while instituting the instant FIR deliberately chose to conceal the relationship and the fact that FIR does not assign any reason for the occurrence.

6. Considering the submission made by learned senior counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kako (Bhelwar O.P) P.S. Case No. 371 of 2023.

7. However, in the event if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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