

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35925 of 2024

Arising Out of PS. Case No.-477 Year-2021 Thana- KADAMKUAN District- Patna

Vikash Kumar @ Vikash Rai S/O DHANESHWAR RAY R/O VILLAGE-
Daftarpur, P.S.- DORIGANJ, DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurabh Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2024 The petitioner seeks bail in connection with

Kadamkuan P.S. Case No. 477 of 2021 registered for the

offences punishable under Sections 307, 120(b), 34 of the

Indian Penal Code and Section 27 of the Arms Act.

2. As per prosecution case, two unknown

miscreants armed with pistol fired upon the informant due to

which informant sustained gun shot injury and FIR has been

lodged against Khusbu Singh, Dr. Rajiv Singh along with two

unidentified persons.

3. Learned counsel for the petitioner submits that

petitioner is not named in the FIR and his name has been

surfaced upon the confessional statement of co-accused



Aman Kumar, which has no evidentiary value in the eye of law. Except confessional statement of co-accused Aman Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that co-accused Aman Kumar has already been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 16788 of 2023. Petitioner bears criminal antecedent of six cases in which he is on bail, except one case bearing Doriganj P.S. Case No. 120 of 2022. He further submits that petitioner has been made accused in all the cases in a routine manner without any basis and because of having criminal antecedent he has been falsely implicated in the present case. He further submits that co-accused Aryan Kumar @ Rohit Singh and Md. Samshad, on similar and identical allegation, have already been granted bail by this court vide Cr. Misc. No. 40028 of 2022. He further submits that no TIP has been conducted as yet. He further submits that petitioner was remanded in this case from Doriganj P.S. Case No. 75 of 2021 on 04.09.2023 and since then he is in custody in connection with present case. He further submits



that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

4. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

5. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XVIII, Patna in connection with Kadamkuan P.S. Case No. 477 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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