

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38085 of 2024**

Arising Out of PS. Case No.-476 Year-2022 Thana- KHUSRUPUR District- Patna

Vikash Kumar son of Harendra Singh Village- Kurtha Ps- Khusrupur Dist-
Patna

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 12-11-2024

Heard Mr. Pramod Kumar, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with
Khusrupur P.S. Case No. 476 of 2022 for the offence punishable
under sections 302, 34 of the Indian Penal Code and 27 of the
Arms Act lodged on 08.12.2022 by the informant, Sanjay
Kumar.

3. As per the prosecution story, the informant alleged
that as he was returning along with his son, three accused
persons stopped and assaulted his son. When he tried to protect
him, three accused persons, namely, Vikram Kumar, Vikash
Kumar (the petitioner herein) and Muthu @ Yash Raj opened
fire causing injury in his chest as also the neck, they thereafter,
escaped. He was rushed to the Sadar Hospital, Fatua, where was
declared dead. This led to the FIR.

4. In this case, the Co-ordinate Bench had called for



the case diary which has since been received and as per the post-mortem report, two entry wounds were found in the dead body.

5. Learned counsel for the petitioner submits that allegation of firing is against three accused persons whereas only two entry wounds are there which clearly proves that only to implicate, an exaggerated FIR has been lodged. He has remained in custody since 10.10.2023 (para 4 of the petition) and if granted relief, shall be diligently appearing in trial.

6. Learned APP opposes the prayer for bail submitting that the allegation of firing is against all the three accused persons. He has, however, gone through the post-mortem report and has informed that there are only two entry wounds recorded in the post-mortem.

7. Having gone through the facts of the case and the submissions put forward by the parties, omnibus allegation is there against this petitioner along with the two accused persons whereas only two entry wounds are there, he is in custody since 10.10.2023 and has no criminal antecedent, this Court in the aforesaid background, is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties



of like amount each to the satisfaction of learned Addl. District & Sessions Judge-IV, Patna City in connection with Khusrupur P.S. Case No. 476 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-



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