

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49390 of 2024

Arising Out of PS. Case No.-244 Year-2022 Thana- SIRDALA District- Nawada

Vikash Kumar Son of Kapildeo Prasad @ Kapil Deb Prasad Resident of
Village- Karigidhi, P.S.- Sirdalla, Parnadabar, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Heard Mr. Manmohan Kumar, learned counsel for the

petitioner and Mr. Mithlesh Kumar Khare, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
26.05.2022 in connection with Sirdalla P.S. Case No. 244 of
2022, F.I.R. dated 21.05.2022 for the offences punishable under
Sections 302, 201/34 of the Indian Penal Code.

3. Earlier the bail application of the petitioner has
been rejected by this Court vide order dated 08.05.2023 passed
in Cr. Misc. No. 785 of 2023.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per
allegation in the F.I.R, the petitioner and other accused person,



namely, Dilip Prasad who happens to be the husband of the deceased have committed the crime in question. He further submits that it appears from the F.I.R as well as entire case diary that there is no eye witness of the alleged occurrence and except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that during investigation the petitioner and other accused person have confessed their guilt. Apart from that the similarly situated, co-accused, namely, Dilip Kumar @ Dilip Prasad has been granted bail by this Court vide order dated 03.04.2024 passed in Cr. Misc. No. 15718 of 2024. The petitioner is in custody since 26.05.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ADSJ X, Nawada in connection with Sirdalla P.S. Case No. 244 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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