

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52214 of 2024

Arising Out of PS. Case No.-587 Year-2023 Thana- KONCH District- Gaya

Vikash Kumar son of Vimal Sharma @ Binda Sharma @ Vimlesh Singh
Village- Mananpur (Madanpur) Ps- Konch Dist-Gaya, P/A- 122, Harkesh
Nagar Okhla Phase-2, New Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Diwakar, learned counsel for the petitioner

as well as Mr. Anand Kishore Choudhary, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Konch P.S. Case No. 587 of 2023, F.I.R. dated
10.12.2023 for the offences punishable under Sections 341, 342,
323, 307 and 34 of the Indian Penal Code.

3. According to prosecution case, on the command of
the petitioner, his younger brother and other accused persons
surrounded and assaulted the informant on his head by rod and
it is also alleged that he also threatened the informant on phone
on previous occasion.

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 from the perusal of the F.I.R., it appears that the petitioner is the order giver and there is no specific allegation of any assault or overt act against this petitioner. He further submits that the petitioner was not present at the place of occurrence and he has made accused due to ulterior motive. He further submits that on the date of occurrence, the petitioner was in Delhi and he has bring on record, the documents which suggest that on the date of occurrence, the petitioner was in Delhi.

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

6. Considering the aforesaid facts and circumstances that there is no specific allegation of any assault or overt act against this petitioner and apart from that the petitioner was not present at the place of occurrence as per Annexure-2 of the bail petition, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 J.M.F.C., Gaya/ concerned Court in connection with Konch P.S. Case No. 587 of 2023, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure and with other 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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