

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68407 of 2024

Arising Out of PS. Case No.-270 Year-2022 Thana- GAYA KOTWALI District- Gaya

Vikku kumar @ Viku Kumar @ Viku Yadav @ Viku Kumar Yadav Son of
Ram Chandra Yadav @ Ramchandra Yadav Resident of Village - Kandi
Nawada, Police Station - Chandauti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-10-2024 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gaya Kotwali P.S. Case No.270 of 2022 lodged dated
11.05.2022 under Sections 341, 323, 308, 504, 379 and 34 of the
I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against one named and two unknown accused persons
excluding the petitioner against whom there is allegation of
assault by *lathi* upon the informant and his brother due to which
they got head injury.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits



that the petitioner is not named in the F.I.R. From the allegation made in the F.I.R., it transpires that the dispute arisen between the informant and the accused persons is only due to parking of vehicle due to traffic.

5. Learned Counsel further submits that the case has been lodged in the year 2022 and during investigation, one of the witnesses has disclosed the name of the petitioner on 25.05.2024 after 2 years of lodging of the F.I.R. He further submits that the petitioner is basically a tractor driver and used to run his vehicle on road and on many occasion, such dispute used to arise.

6. Learned Counsel further submits that the petitioner's antecedent is not clean. There are 5 criminal cases pending against him relating to running of the vehicle, in which he is on bail in all cases. He further submits that petitioner is in custody since 07.06.2024.

7. Learned Counsel for the State opposes the prayer for bail and submits that the petitioner's antecedent is not clean and there are 5 criminal cases pending against him and almost all cases are relating to section 307 of the I.P.C.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above



named, be granted bail, **but only after framing of charge, if not framed** as well as on being satisfied by the trial court that the petitioner is not absconding in any of the cases which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with Gaya Kotwali P.S. Case No.270 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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



cancellation of the bail bonds; and

(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 the bail bonds.

9. The details of the cases which are pending against the petitioner, are as follows:-

- i. Chandauti P.S. Case No.177 of 2020.
- ii. Chandauti P.S. Case No. 233 of 2021.
- iii. Delha P.S. Case No.223 of 2023.
- iv. Delha P.S. Case no. 224 of 2023.
- v. Kotwali P.S. Case No. 94 of 2024.

(Dr. Anshuman, J.)

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