

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69547 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- NAUHATTA District- Saharsa

Vikash Yadav @ Vikash Kumar @ Vikash Kumar Yadav Son of Bharat Yadav
Resident of village -Purushotampur, Ps -Nauhatta, District -Saharsa Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-11-2024 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Nauhatta P.S. Case No. 122 of 2024 dated 20.05.2024 registered for the offences punishable u/ss 341, 323, 302, 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have surrounded the informant's brother and started assaulting him with fists and slaps. When the informant and his mother came to rescue,



they were assaulted by the accused persons. In the meantime, the petitioner Vikash Yadav exhorted to kill upon which the co-accused, Deepak Yadav fired on the informant's brother with intent to kill due to which he sustained bullet injury and died on the spot. On hulla, the villagers gathered there then the accused persons fled away from the spot.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The specific allegation of firing is against the co-accused, Deepak Yadav. It is further submitted that the petitioner is said be the order giver else no specific allegation has been levelled against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Similar situated co-accused has already been granted bail by this Court vide order dated 24.09.2024 passed in Cr. Misc. No. 62928 of 2024. The petitioner has clean criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 02.06.2024.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation levelled against the petitioner and the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saharsa in connection with Nauhatta P.S. Case No. 122 of 2024, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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