

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78716 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- KUMAR KHAND District- Madhepura

1. VIKASH KUMAR S/O VIJENDRA YADAV R/O VILLAGE- RHTA, P.S- KUMARKHAND, DISTT.- MADHEPURA.
2. PRAKASH KUMAR S/O VIJENDRA YADAV R/O VILLAGE- RHTA, P.S- KUMARKHAND, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the present application for the petitioner No. 2, namely, Prakash Kumar.

3. Permission is accorded.

4. Accordingly, the present application for the petitioner No. 2, namely, Prakash Kumar is dismissed as withdrawn.

5. The petitioner no. 1, namely, Vikash Kumar is apprehending his arrest in a case in connection with Kumarkhand P.S. Case No. 340 of 2022 dated 05.10.2022



registered for the offences punishable u/ss 341, 323, 307, 504 and 506 read with section 34 of the Indian Penal Code and section 27 of the Arms Act.

6. As per the prosecution case, the petitioner and the co-accused persons are alleged to have abused the informant and threatened to kill him, in the meantime, the co-accused Raja Kumar fired on the informant with intention to kill due to that the informant sustained injury on his ear, thereafter all the accused persons fled away.

7. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The specific allegation of firing is against the co-accused Raja Kumar. There is general and omnibus allegation against the petitioner of abusing and threatening. The petitioner is also accused in one more criminal case as stated in para 3 of the bail petition.

8. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

9. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner no. 1, namely, Vikash Kumar, in the event of his arrest/surrender within a period of six weeks



from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Madhepura in connection with Kumarkhand P.S. Case No. 340 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

10. The application for the petitioner No. 1, namely, Vikash Kumar stands allowed.

(Chandra Prakash Singh, J)

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