

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10978 of 2025

Arising Out of PS. Case No.-3 Year-2018 Thana- JURAWANPUR District- Vaishali

Vikash Kumar @ Vikash Kumar Singh Son of Baleshwar Singh Resident of
Village - Raghopur West, P.S.- Jurawanpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kaushal Kishor, Advocate
For the Informant	:	Mr. Braj Bhushan Mishra, Advocate
		Mr. Uday Shankar Singh, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 23-06-2025 Heard Mr. Kaushal Kishor, the learned counsel

appearing on behalf of the petitioner, Mr. Braj Bhushan Mishra,

the learned counsel for the Informant and Mr. Kalyan Shankar,

the learned Additional Public Prosecutor for the State.

2. The personal appearance of Dr. Nitish Kumar Singh, Tutor, FMT Department, PMCH, Patna is dispensed with.

3. The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and 27 of Arms Act.

4. As per the prosecution case, the informant gave a fardbeyan, stating therein that his nephew had gone to see the orchestra and there the FIR named accused persons caught hold of his nephew and one of the accused person fired upon his



nephew, hitting him on his forehead. The informant after hearing the gunshot rushed near his nephew and during the course of treatment his nephew died.

5. The learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has surfaced during the course of investigation. It has further been submitted that the allegation upon the petitioner is of firing upon the deceased, however, from perusal of the postmortem report, it would transpire that no firearm injury was found on the body of the deceased rather the cause of death was stated to be head injury caused by blows from heavy weapon with a small striking surface or relatively sharp margin ante mortem injury. The learned counsel next submits that on account of discrepancy between the fardbeyan and the postmortem report, it is clear that the informant was not an eye-witness to the occurrence. The learned counsel lastly submits that the petitioner has clean antecedent and he is in custody since 07.10.2024.

6. The learned counsel for the Informant as well as the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the petitioner is named in the FIR and the allegations upon him is of firing upon the nephew of the informant, who died during the



course of treatment. It has been submitted that even from the postmortem report, it is clear that the deceased had been assaulted and as such the petitioner does not deserve the liberty of bail.

7. Considering the aforesaid submissions made by the parties and taking into account that the name of the petitioner has surfaced during the course of investigation and there is nothing specific against him, 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 court below where the case is pending/successor court in connection with Jurawanpur P.S. Case No. 03 of 2018, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) The learned 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.

8. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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