

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25601 of 2025

Arising Out of PS. Case No.-455 Year-2023 Thana- BIDUPUR District- Vaishali

Vikash Kumar @ Vikas Kumar, aged about 23 years, Male, Son of Vimal Rai @ Bimal Rai @ Vimal Ray, Resident of Village- Nawanagar, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bidupur P.S. Case No. 455 of 2023 instituted for the offences punishable under Sections 341, 323, 324, 307, 427, 379, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, all the accused persons assaulted the informant and his family members with Dab with an intention to kill him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the father of the petitioner is own brother of the informant and due to land dispute relating to property, petitioner has been implicated in



this case. He further submits that the entire prosecution case is false, fabricated and concocted and no occurrence has ever been taken place as yet. He next submits that all the sections are bailable except Sections 379 and 307 of the Indian Penal Code. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 07.01.2025.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and also perused the impugned order dated 11.03.2025 passed by the learned Additional Sessions Judge-V Vaishali at Hajipur, it appears that petitioner is named in the FIR. From perusal of the records, it appears that on the basis of fardbeyan of the informant Vijay Rai, FIR has been lodged under Sections 341, 323, 324, 307, 427, 379, 504 and 506 of the Indian Penal Code against five accused persons including the present petitioner Vikash Kumar @ Vikas Kumar. There is specific allegation against the accused persons namely Rakesh Rai and Vikash Kumar that they started hurling abusive words for the informant's family and when it was objected by the informant then the accused persons hit by Dab (an iron made object) upon the informant and when the informant tried to save him, the Dab hit the informant's stomach and the abdomen became ruptured. From perusal of the



impugned order, at para 7, it also appears that the informant Vijay Rai sustained oblique incised wound about 12” long extending from lower part of chest to upper part of abdomen on left lateral part (muscle thickness), incised wound over left forearm about 4” in length, muscle thickness, 1” width and incised wound over left forearm about 6” in length, bone was exposed, 1” width and all the injuries have been caused by sharp object and nature of the injury is grievous as shows fracture of left ulna caused by sharp hard weapon, so considering the facts and circumstances of the case, nature of specific allegation against the petitioner and the gravity of offence upon the informant with Dab (iron made object) on his abdomen, i.e., the vital part of the body, I am not inclined to grant bail to the petitioner.

7. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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