

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43811 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- GAURICHAK District- Patna

Vikash Kumar S/O Raj Kumar Ram R/O Gopal Tola,P.S.-Gaurichak,Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 17-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Gaurichak P.S. Case No. 37 of 2024 for the offence punishable under sections 302 and 34 of the Indian Penal Code and 27 Arms Act lodged on 16.01.2024 by the informant, Devbrat Mahto.

3. As per the prosecution story, there was a tilak ceremony in the house of Rohit Kumar where the brother of the informant had gone to cook food. He remained in the house through out the day and later it came to knowledge that during the tilak ceremony, Vikash Kumar (the petitioner herein) and Kaushal Kumar started firing one of which hit the stomach of the informant's brother, taken to Nalanda Medical College and Hospital, where he breathe his last. Accordingly, the F.I.R.



4. Learned counsel for the petitioner submits that in the ceremony lots of people were there, though, shots were fired at, only on suspicion, Kaushal Kumar has been picked up along with this petitioner who has been named. Due to the said incident/accident, he has already suffered by being in custody since 18.01.2024 (paragraph no.12 of the petition) and he is a student. Further, the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to contribute Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the victim's father, Manikchand Mahto (if he is alive else the mother of the victim) after checking the credentials. The last submission is that Kaushal Kumar has been extended relief in Cr. Misc. No. 55673 of 2024.

5. Only due to misadventure on the part of the accused, a tilak ceremony was turned into a death site in which an innocent who was there to cook the food, was killed. The allegation is attributed to this petitioner as also Kaushal Kumar. In such cases, this Court hesitate from extending relief to the accused but in view of the aforesaid facts narrated as also that Kaushal Kumar has been extended relief, he is in custody since



18.01.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the victim's father, Manikchand Mahto (if he is alive else the mother of the victim) as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM VI, Patna City in connection with Gaurichak P.S. Case No. 37 of 2024 subject to the following conditions:

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

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;



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

(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 his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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