

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86779 of 2024

Arising Out of PS. Case No.-348 Year-2024 Thana- NAUBATPUR District- Patna

Vikash Kumar, S/o Satyendra Kumar @ Satyendra Sharma, R/v -Samanpura,
PS- Naubatpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Naubatpur P.S. Case No. 348 of 2024
registered for the offences punishable under Sections 341, 323,
302, 504, 120(B)/34 of the Indian Penal Code and Section 27 of
the Arms Act.

3. Allegedly, when the son of the informant went to
market on his motorcycle and when he did not return for a pretty
long time and despite making call when he did not pick up the
same, suspecting some foul play, the informant along with his
wife went to the market. In the way, they found that all the F.I.R.
named accused persons armed with weapons surrounded his son
and on the dictate of co-accused Dharmendra Sharma, co-



accused Dharmendra and Sunny fired upon him, which proved fatal.

4. Learned counsel for the petitioner drawing the attention of this Court to the narrations made in the F.I.R., contended that specific allegation of causing firearm injury has been levelled against co-accused Dharmendra and Sunny. The entire FIR appears to be a manufactured one based on suspicion on account of a land dispute between the parties, as the petitioner's family had instituted Naubatpur P.S. Case No. 324 of 2024 against the informant's family. The falsity of the case is also evident from the fact that the father of the petitioner has been also implicated in this case, however, he has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 84465 of 2024. Barring the allegation that the petitioner was present at the place of occurrence, there is no other material suggesting that he has attributed any role in causing the death of the son of the informant. The petitioner bears fair antecedent and now he has been incarcerated since 12.09.2024.

5. On the other hand, learned APP for the State and the informant vehemently opposed the bail application and submitted that participation of the petitioner in the present crime is writ large for the simple reason that he was found present at



the place of occurrence along with a pistol in his hand.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the ongoing land dispute between the petitioner's family with the informant, leading to lodging of the FIR bearing Naubatpur P.S. Case No. 324 of 2024 against the informant's family, coupled with the fact that co-accused having identical allegation, has been allowed the privilege of bail, apart from fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Danapur in connection with Naubatpur P.S. Case No. 348 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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