

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28773 of 2017

Arising Out of PS.Case No. -75 Year- 2016 Thana -DHANARUA District- PATNA

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1. Vinay Kumar Son of Sri Chandradeo Prasad Resident of Village -
Patharhat, P.S. Dhanarua, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Mr. Murli Dhar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 23.02.2016 in
connection with Dhanarua P.S. Case No. 75/2016 for offences
punishable under Sections 302, 201, 120-B of the Indian Penal
Code.

The prosecution case, as lodged by the police
personnel, is that two dead bodies were found without head as per
the information given from the wheat field of Birendra Yadav. The
two deceased were found naked with scratch marks all over the
body.

It has been submitted by the learned counsel for the
petitioner that he is innocent, his name surfaced on the
confessional statement of co-accused Kapil Yadav that one



deceased Sujit Kumar was having love affair with the daughter of co-accused Kapil Yadav and the petitioner, who is brother-in-law of Kapil Yadav, who had planned for murder of the two deceased, who were friends. He submits that there is no eye-witness to the alleged occurrence and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State vehemently opposes the prayer for bail stating therein that the petitioner and co-accused Kapil Yadav in their confessional statement have narrated the entire story and the head of the two deceased have been found in a nearby place as per their statement.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Dhanarua P.S. Case No. 75/2016 pending in the court of S.D.J.M., Masaurhi, Patna.

Application is, accordingly, rejected. However, petitioner may renew his prayer for bail after a period of one year if trial is not concluded within that time.

(Nilu Agrawal, J)

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