

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47180 of 2017

Arising Out of PS.Case No. -269 Year- 2017 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

=====

Vinay Kumar @ Binay Kumar Son of Sri Shiban Sah @ Sivan Sah, R/o
Village- Umesh Cinema Road, Dighi Kala Purbi, P.S.- Hajpur Sadar,
District- Vaishali at Hajipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Adv.

For the informant : Mr. Raja Ram Rai, Adv.

Mrs. Monika, Adv.

For the Opposite Party/s : Mr. Md. Ansarul Haque, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-12-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
17.06.2017 in connection with Hajipur Sadar P.S. Case No. 269
of 2017 for offences punishable under Sections 363, 364, 365,
120B and 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he woke up in the morning he found his son missing. It
is alleged that there was quarrel with the deceased with Barat
Party and the petitioner along with two persons had come to his



door and threatened his deceased son.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that there is no eye witness to the alleged occurrence and that being on friendly relation, the petitioner had a talk with the deceased on his mobile which does not indicate of any intention. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the petitioner and two others were found talking with the deceased and that the son of the informant has been killed and the postmortem report suggests death due to hemorrhage and shock and injury by hard and blunt substance.

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 Hajipur Sadar P.S. Case No.269 of 2017 pending in the court of learned Chief Judicial Magistrate, Vaishali at Hajipur.



The application is, accordingly, rejected.

However, the petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

