

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32428 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -AGAMKUAN District- PATNA

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1. Vinit Kumar, Son of Sri Suresh Chandra, Director of Confisec Pvt. Ltd. having registered office at C-1/39/14, Phase-III, GIDC, Naroda, Ahmedabad (Gujarat) at present residing at 12, Royal Crescent Bungalow, Opposite, New York Tower Thultej, P.S.- Vastrapur, District- Ahmedabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Shama Sinha

For the Opposite Party/s : Mr. Sri Ajay Mishra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 16-08-2017

Heard both sides.

The petitioner has filed this petition for grant of provisional bail for treatment of his father, who is suffering from heart ailment.

Sri Krishna Prasad Singh, the learned senior counsel for the petitioner, submits that prayer for bail of the petitioner was rejected vide order dated 03.07.2017 passed in Cr. Misc. No. 20500 of 2017 but the petitioner again filed this petition for grant of provisional bail as the father of the petitioner was treated in CIMS and the doctor advised him to get admitted in the hospital in between 5-6th August, 2017 because father of the petitioner requires implantation of pacemaker. The doctor states that the



father of petitioner further requires 8-10 days for dialysis as he developed kidney problem. It is further submitted that petitioner was granted provisional bail vide order dated 01.06.2017 passed in I. A. No. 1180 of 2017 in Cr. Misc. No. 20500 of 2017 and father of the petitioner was admitted in hospital but pacemaker could not be implanted as he developed fever. The petitioner surrendered in the court below after three weeks, hence, the petitioner may be granted provisional bail for treatment of his father.

Mr. Ajay Mishra, the learned counsel for the State, submits that petitioner was granted provisional bail on 01.06.2017 but again the petitioner filed a petition for grant of provisional bail till the disposal of Cr. Misc. No. 20500 of 2017 but before that the petitioner surrendered before the court below after three weeks and, accordingly, the prayer for extension of provisional bail was dismissed.

From perusal of the records, it appears that the petitioner was granted provisional bail for three weeks on 01.06.2017. The petitioner surrendered in the court below after three weeks but pacemaker could not be implanted as the father of the petitioner developed fever. The petitioner again filed petition for extension of provisional bail but at the same time he surrendered in the court below. Accordingly, the petition for



extension of provisional bail for the period of four weeks or till disposal of Cr. Misc. No. 20500 of 2017 was dismissed on 06.07.2017. Immediately thereafter the petitioner again filed this petition for grant of provisional bail. The father of the petitioner only requires implantation of pacemaker and there are many family members to look after the father of the petitioner.

Considering the facts aforesaid, I do not find any merit in the petition for grant of provisional bail and, accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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