

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70371 of 2018

Arising Out of PS. Case No.-127 Year-2016 Thana- BACHHWARA District- Begusarai

Pravin Kumar @ Pravin Thakur @ Pravin Kr. Thakur @ Pravin Kumar
Thakur resident of village-Chakloman/ward 10, Dalsinghsarai, P.S.
Dalsinghsarai, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner had earlier moved for bail which was
rejected by order dated 16.11.2016 passed in Cr. Misc. No.
43488 of 2017.

Petitioner is languishing in judicial custody since
04.10.2016 in connection with Sessions Trial No. 726 of 2016
arising out of Bachhwara P.S. Case No. 127 of 2016 for the
offence alleged under Sections 363, 365,/34 and later on 364,
302, 201, 120, 406 of the I.P.C. was added.

The prosecution case as lodged by the informant is
that his son Dipak Kumar had gone to recover the stolen Bolero



vehicle with Rs. 1 lac and on telephone had told his younger brother Sandeep that he was with petitioner and two other co-accused, namely, Manish Kumar and Rajnish Kumar @ Radhe . Thereafter the mobile of the informant's son was found switched off and he became traceless. Subsequently, his dead body was recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that it is on the basis of confessional statement of co-accused Manish Kumar that he has been made accused. He submits that there is no eye witness to the alleged occurrence and he is languishing in judicial custody since more than two years. It has been further submitted that some of the accused including co-accused Manish Kumar has been granted the privilege of bail by coordinate Bench of this Court in Cr. Misc. No. 53371 of 2016 vide order dated 27.03.2017, trial has not made much headway and he is ready to cooperate in the trial on day to day basis.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner along with co-accused in their confessional statement have stated that they were instrumental in killing the informant's son.



Considering the facts and circumstances and the materials on record as well as the period of custody and that on similar allegations other co-accused has been granted the privilege of bail, let the petitioner, above named be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sessions Trial No. 726 of 2016 arising out of Bachhwara P.S. Case No. 127 of 2016 to the satisfaction of the learned Additional Sessions Judge-II, Begusarai, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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