

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31825 of 2018

Arising Out of PS. Case No.-269 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

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Vinay Kumar @ Binay Kumar, son of Sri Shibban Sah @ Sivan Sah, Resident
of village Dighi Kalar Purbi. P.S. Hajipur Sadar. District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 19.12.2017 passed in Cr. Misc. No.
47180 of 2017.

Petitioner is languishing in judicial custody since
17.06.2017 in connection with Sessions Trial No. 142 of 2018
arising out of 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 when in the morning he woke up he found his 17 year old
son missing. On enquiry, it was found that 4 days before he had
a quarrel with the petitioner and other co-accused Ravi Kumar



and one day before the petitioner along with others had threatened his deceased son.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and there is no eye-witness to the alleged occurrence. He submits that both the petitioner and the deceased son of the informant were friends and there is no circumstantial evidence direct or indirect to rope in the petitioner with the alleged occurrence. He further submits that charges have already been framed and the petitioner is ready to co-operate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Vaishali at Hajipur, in connection with Sessions Trial No. 142 of 2018, arising out of Hajipur Sadar P.S. Case No. 269 of 2017, subject to the following conditions :

- (i) 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.

- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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