

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.635 of 2018

Arising Out of PS.Case No. -123 Year- 2017 Thana -HAZIPUR INDUSTRIAL District-
VAISHALI(HAJIPUR)

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Vishal Kumar, son of Nand Kishore Kumar @ Nand Kishore Singh @
Meghnath Singh, son of Radhey Shyam Singh, resident of Village- Dighi
Kala (West), P.S. Hajipur Sadar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Ambastha

For the Opposite Party/s : Mr. Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

03 31-01-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Industrial Area P.S. Case
No.123 of 2017 registered under Section 302 & 120-B of the
Indian Penal Code.

As per the prosecution case, the brother of the
informant is said to have been eliminated by some unknown
miscreants.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in this case. The
petitioner is neither named in the F.I.R. nor any incriminating
article has been recovered from his conscious physical possession.



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There is nothing in the case diary indicating the complicity of the petitioner in the occurrence barring his confessional statement which has no evidentiary value in the eye of law. Though motorcycle of the petitioner is said to have been used in the occurrence but his aforesaid motorcycle was stolen on 26.07.2017 preceding to occurrence and regarding the theft of the motorcycle his father has lodged an F.I.R. being Hajipur Sadar P.S. Case No.376 of 2017 dated 02.08.2017 at 8:20 AM while the occurrence is of 02.08.2017 at 7 PM. The petitioner has been languishing in custody since 30.08.2017.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Industrial Area P.S. Case No.123 of 2017.

(Prakash Chandra Jaiswal, J.)

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