

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25568 of 2020

Arising Out of PS. Case No.-382 Year-2019 Thana- HAJIPUR District- Vaishali

VISHAL KUMAR Son of Shravan Sharma Resident of Village- Mahanar,
P.S.- Mahanar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-11-2020 Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Hajipur Sadar P.S. Case No. 382 of 2019 (S.T. No. 335 of 2019), registered for the offence punishable under Sections 302/201/34 of the Indian Penal Code.

The case of the prosecution in brief is that the son of the informant, namely, Rakesh Kumar, was called from his house by the accused persons including the petitioner herein and when he did not return till late in the night, the informant had



searched for his son, however, he could not be located. It is further alleged that upon frantic search, it transpired that the son of the informant had died by drowning in the river Gandak.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 03.05.2019. It is further submitted that the petitioner is innocent and the victim boy was a drug addict and used to inhale solution, which is a highly intoxicating substance as has also transpired during the course of investigation and when he had gone to attend the nature of call on the bank of river Gandak, he had drowned on account of him being intoxicated and being not able to balance himself.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking



into account the materials available on record as also in the case diary, it appears that minuscule evidence is available qua the petitioner herein in the case diary and moreover, it appears that the victim boy had become a victim of his own circumstances, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VIth, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 382 of 2019 (S.T. No. 335 of 2019).

(Mohit Kumar Shah, J)

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