

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34887 of 2020

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

SUNNY KUMAR @ SUNNI KUMAR Son of Ram Prit Mahto Resident of
Village- Rajendra More, Police Station- Town, Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-03-2021 Heard the learned counsel for the petitioner and
Ms. Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Hajipur Town PS case no. 382 of 2019 instituted for the offences punishable under Sections 302, 201/34 of Indian Penal Code.

The case of the prosecution in brief is that the son of the informant namely Rakesh Kumar was called and taken away 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 21.03.2019. The learned counsel for the petitioner has 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. It is further submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.11.2020, passed in Cr. Misc. no. 25568 of 2020

Per contra, the learned A.P.P. for the State 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 parties and taking into account the materials available on record as also those available 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 enlarge the abovenamed petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M. Vaishali at Hajipur in connection with Hajipur Town PS case no. 382 of 2019.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

