

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28259 of 2021

Arising Out of PS. Case No.-627 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

PRAKASH KUMAR Son of Shree Shambhu Sahni Resident of Village and
Post- Ismailpur, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate.

For the Opposite Party/s : Mr. Bisheshwar Ram, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 22-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 25.10.2020,
seeks regular bail in connection with Vaishali (Hajipur) Sadar
P.S. Case No. 627 of 2020 for the offence punishable under
Sections 394, 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that while his mother
had gone to clean the shop found that his father was lying dead
and his body was found tied with rope. The death had occurred
in the night of 11.10.2020 and the F.I.R. was lodged on
12.10.2020. The police inspected the CCTV camera near the



shop of the deceased installed near the petrol pump from which it appeared that four unidentified accused persons had entered into shop of the father of the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the name of the petitioner has surfaced on the basis of confessional statement of co-accused Manish Kumar and Gorakh Sahni. Secondly he submits that till date no T.I.P. has been done. The F.I.R. is against unknown. As such no allegation under Section 302 IPC or Section 394 IPC is made out against the petitioner. Petitioner is in custody since 25.10.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, petitioner has been made accused in this case on the basis of confessional statement of co-accused Manish Kumar and Gorakh Sahni, which is evident from Para-31 and 43 of the case diary respectively and no incriminating material has come in course of investigation nor any article recovered from the conscious possession of the petitioner, the F.I.R. is against unknown, the petitioner, above named, is



directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali Sadar P.S. Case No. 627 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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