

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40772 of 2021

Arising Out of PS. Case No.-829 Year-2018 Thana- NAGAR District- Vaishali

Vijay Baba @ Vijay Aanand Son of Mr. Anand Mohan Jha Resident of
Mohalla - Bank Mens Colony, P.S. - Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the State : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Hajipur Nagar P.S. Case No. 829 of 2018 registered for the alleged offences under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the petitioner called out the husband of informant and along with other co-accused persons committed his murder in the backdrop of some financial transaction.

The learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Nothing has come on record to show that the petitioner called the deceased on phone. There is no cogent material on record to show that the petitioner killed the husband of the informant. Except for suspicion, there is nothing to link the petitioner with the alleged occurrence. There is no eye witnesses and witness have only stated that the petitioner and co-accused were seen going altogether on motorcycle. The deceased was also riding another motorcycle. The learned counsel further submits that the co-accused Pintu Singh has been allowed privilege of bail by a Coordinate Bench of this Court passed in Cr. Misc. No. 3410 of 2020 vide order dated 21.01.2020. Learned counsel further submits that the petitioner is in custody since 10.03.2021.

Learned APP for the State opposes the prayer for bail submitting that the petitioner is the person who called out the deceased and he has taken money from the deceased and in order to grab this money, killed the deceased.

Perused the record.

Having regard to the submissions made hereinabove and considering the scanty evidence against the petitioner existing on record and further considering the fact that co-accused have been allowed bail by a Coordinate Bench and



further taking into consideration the period of custody of this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Nagar P.S. Case No. 829 of 2018, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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