

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42453 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- NAWADA District- Nawada

SANJAY KUMAR Son of Kripal Prasad Resident of Village - Nasirbigha,
P.s.- Nimchak Bathani, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 17-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Nawada Nagar P.S. Case No. 31 of 2022, registered for the offence punishable under Sections 363, 365, 120(B) and 302 of the Indian Penal Code.

The informant has alleged that his grandson, namely, Anshu Kumar, aged about 10 years, had gone towards ITI on his bicycle at 10:00 am. in the morning on 8.1.2022 and subsequently, his cycle was found on the way near ITI, but he could not be traced. The informant has also alleged that he had made an agreement to sell with regard to



his land with one Vinay Yadav, however, subsequently, he refused to purchase the land of the informant and instead, asked the informant to return money on account of which altercation had taken place amongst the informant and the said Vinay Yadav and one Manoj Yadav, hence, the informant suspects that the said two persons may have kidnapped the grandson of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 19.1.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in three other cases, but he is on bail in all the said three cases. The learned counsel for the petitioner has further submitted that there is no eye-witness to the alleged occurrence and in fact, the petitioner has got nothing to do with the instant case and moreover, it has transpired during the course of investigation that the main accused is one Indrajeet Kumar, who is the son-



in-law of the informant and there was some land dispute in-between them from before, however, as far as the petitioner is concerned, he is stated to be the father of the said Indrajeet Kumar, hence, he has got no complicity in the alleged crime, except the fact that during the course of investigation, it has been alleged that upon the petitioner having disclosed about the place where the corpse of the deceased was lying, the dead body had been recovered. It is also submitted that considering the period of incarceration of the petitioner, a sympathetic view be taken.

Per contra, the learned APP 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 petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds that there is minuscule evidence on record so as to



connect the petitioner with the alleged crime, apart from the fact that he is languishing in custody since about one year, 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 CJM, Nawada in connection with Nawada Nagar P.S. Case No. 31 of 2022.

(Mohit Kumar Shah, J)

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