

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50281 of 2022

Arising Out of PS. Case No.-429 Year-2021 Thana- BIBHUTIPUR District- Samastipur

VIPUL THAKUR S/o Awadhesh Thakur R/o village- Belsanditara, Ward No. 01, Tola- Maddiha, P.S.- Vibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 02-02-2023 Learned counsel for the petitioner is permitted to make necessary correction in prayer portion of the petition.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Bibhutipur P.S. Case No. 429 of 2021 registered for the offences punishable under Sections 302/201/120(B) of the Indian Penal Code.

As per prosecution case, it is alleged that petitioner and others took loan from the informant's son and the informant's son was demanding back his money. On 17.11.2021 co-accused Surendra Thakur came at informant's house and took informant's



son and when the informant's son did not return back till late night then informant started searching his son. On 19.11.2021, informant came to know that dead body of his son was lying in the field of sugarcane and when he rushed to the spot, he found the dead body of his son.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case merely on suspicion. Except suspicion there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. As per the self confessional statement of the petitioner, he is not the assailant of the deceased. Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner. Petitioner is quite innocent and has committed no offence as alleged against him in FIR. Learned counsel for the petitioner submits that petitioner is in custody since 19.06.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Rosera in connection with Vibhutipur P.S. Case No. 429 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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