

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59145 of 2022

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

VIKASH KUMAR Son of Kripal Prasad Resident of Village- Nasir Bigha,
P.S.- Neemchak Bathani, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv.

Mr. Birendra Kumar, Adv.

Mr.Jogendra Prasad, Adv.

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-01-2023 Heard the learned Senior Counsel for the petitioner, Sri N.K.Agrawal and the learned APP for the State, Sri Abhay Kumar Roy.

The petitioner seeks regular bail in connection with Nawada Town P.S. Case No. 31 of 2022, registered for the offence punishable under Sections 363, 365, 302 and 120(B) 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 Senior 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 Senior Counsel for the petitioner has further submitted that though the petitioner is an accused in three other cases, but he is on bail in two of them. The learned Senior 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 uncle of the said Indrajeet Kumar, hence, he has got no complicity in the alleged crime. 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 Senior 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 Town P.S. Case No. 31 of 2022.

(Mohit Kumar Shah, J)

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