

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58235 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- PARSABAZAR District- Patna

Vinay Kumar Singh Son Of Sri Parmanand Singh Resident Of Kurthoul
Dariyapur, P.S. - Parsa Bazar, District - Patna, Permanent Resident Of
Vidyapati Nagar, P.O. - Baradih, Patna Line, P.S. - Sidhgora, Jamshedpur,
District - East Singhbhum, Jharkhand - 831017

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Pratyush Kumar, Adv.
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner, State and
the informant.

2. The petitioner is in custody in connection with
Parsa Bazar P.S. Case No. 169 of 2024 for the offence
punishable under sections 302 and 34 of the Indian Penal Code
lodged on 18.03.2024 by the informant, Nilu Kumari.

3. As per the prosecution story, the informant, who is
the wife of the deceased, alleged that the petitioner accompanied
by two-three persons, called her husband on 17.03.2024 to
attend the Holi Milan Program but later his dead body was
received as he was declared dead in Nalanda Medical College
and Hospital, Patna. The further allegation is that the petitioner
owe Rs. 50,00,000/- for the materials that was/were given by



her late husband which may be the reason for the killing. This led to the FIR.

4. Learned counsel for the petitioner submits that both were good friends, they were attending Holi program, unfortunately, both had taken liquor which is prohibited in the State of Bihar, the deceased had a fall causing injury, due to the fear that going to hospital may lead to their implication in a criminal case due to the inebriated body, proper medical assistance could not be given which ultimately led to the death of informant's husband at the Nalanda Medical College and Hospital, Patna. So far as the due part is concerned, whatever due of the deceased remains with him, the deceased being his best friend, he shall be paying the same to the lady-informant.

5. Learned counsel for the informant has opposed the prayer submitting that almost 50 lakh rupees were due which has caused the killing of the husband of the informant.

6. Learned APP, with the help of the case diary has taken this Court to the supervision note in which it has been recorded that they were having good relationship, had liquor, though they were seen in the CCTV footage, no assault part has been prescribed, it is the case of the witnesses that the victim had a fall which ultimately led to his death.



7. Taking into account the aforesaid facts that has come on record in course of investigation throwing another story in the case, the petitioner is in custody since 19.03.2024 (para 19 of the petition) and has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. This Court further sincerely believes that the petitioner shall abide by the undertaking given by his learned counsel that whatever dues of the deceased the petitioner owes for the materials he had lifted, the same shall be paid in the next three months to the widow.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna in connection with Parsa Bazar P.S. Case No. 169 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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