

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60178 of 2025**

Arising Out of PS. Case No.-28 Year-2024 Thana- SACHIVALAYA District- Patna

Vinod Kumar @ Binod Kumar @ Mukesh Kumar Hari Prasad @ Hari Kishor  
Prasad R/o Village - Gopalpur Math, PS - Masaurhi, District - Patna  
... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv  
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

3      21-11-2025                      Heard Mr. Krishna Prasad Singh, learned Senior  
  
counsel for the petitioner and Mr. Jaghar Prasad, learned APP  
  
for the State.

2. The petitioner is in judicial custody in connection  
with Sachivalaya P.S. Case No. 28 of 2024 for the offences  
punishable under Sections 302/34 of the Indian Penal Code,  
lodged on 15.03.2024 by the informant, Rinki Devi

3. As per the prosecution story, the informant alleged  
that she was informed by a neighbor that his son is dead and tied  
with the poll at MLC quarters. The further allegation is that his  
son left at 9:30 P.M. for his work and at 02:15 A.M., she had a  
conversation with him. Upon the aforesaid information by the  
neighbor, she reached the MLC quarters and found him dead  
with several injury marks and came to know that the guard  
(petitioner) along with four persons assaulted which lead to his  
death. The petitioner who is alleged to be the guard of the said  
place along with other accused persons were arrested and is in



custody since 27.03.2024.

4. Learned Senior counsel for the petitioner submits that he has absolutely no criminal antecedent, only because he was serving as a guard, got implicated in this case. He further submits that the other co-accused Amarjit Kumar, Rahul Kumar and others have been extended bail in Cr. Misc. No. 9564 of 2025 dated 18.07.2025. Though main role has been attributed to him, he cannot be singled out from the other co-accused having similar allegations, if granted relief, he shall be diligently appearing in the trial without fail and shall not indulge in any criminal activity, failing which the Court concerned shall take step for cancellation of bail bonds, if granted relief. Last submission is that without accepting the allegation or outcome of the present petition, the petitioner intend to pay Rs.15,000/- to the informant towards treatment by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of bail bond.

5. In this case, the Trial Court report was called for which has been received vide letter dated 07.10.2025 according to which the matter is presently heading before the learned Sessions Judge.

6. Learned Senior Counsel submits that trial has still



not started and in that background, he deserves relief.

7. Learned APP opposes the prayer submitting that being a guard, his role cannot be ignored and also can not be equated with the other co-accused who have been extended relief.

8. Considering the submissions made on behalf of the parties and also the fact that the petitioner has remained in custody since 27.03.2024, is having no criminal antecedent, the trial has still not began, an undertaking has been given that he shall be diligently appear in the trial, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs.15,000/- to the informant as undertaken by the learned Senior counsel for the petitioner through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of the bail bond and the same shall be handed over to the informant after checking his/her credentials.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate- 1<sup>st</sup> Class, Patna, in connection with Sachivalaya P.S. Case No. 28 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 appear before the concerned police station every fortnight for six months to mark his attendance and at the end of the period, the certificate be submitted to the Court;

(iv) 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;

(v) 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)**

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