

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21204 of 2014

Arising Out of PS.Case No. -2 Year- 2014 Thana -DANDARI District- BEGUSARAI

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Dharam Sah @ Dharm Sah Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rai Mukesh Sharma, Adv.

For the Opposite Party/s : Mr. Sanjay Kr.Sharma, App

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

4 24-12-2014

Heard learned counsel for the petitioner and learned

counsel for the State. Learned counsel for the informant is also

present.

The petitioner is in custody since 10.01.2014 in connection with Dandari P.S. Case No. 02 of 2014 registered for the offences punishable under Sections 364/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that though he is named in the FIR but the only allegation against him is that the petitioner along with one Pankaj Sah took away the son of the informant and when the son of the informant did not return for sometime, the informant made enquiry from the petitioner and Pankaj Sah who said that Mukesh Sah had gone to Sasural. However, on enquiry made from the Sasural of the deceased Mukesh Sah, it was found that he had never gone there and therefore, the informant suspected that these two accused persons had kidnapped his son Mukesh Sah. Subsequently the dead body

of his son was recovered from a pond on the indication by this petitioner. It is further submitted that from perusal of Para 13 of the case diary, it is evident that the dead body was recovered prior to the petitioner having made confessional statement. However on perusal of para 10, 11, 12 13 and 14 of the case diary, it is evident that it was on the indication given by this petitioner that the dead body of the deceased was recovered from the pond along with motor cycle and the post-mortem report indicated that it was a case of strangulation.

Considering the materials available on record, I am not inclined to grant bail to the petitioner.

It is accordingly rejected.

(Anjana Mishra, J)

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