

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30548 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -NAWADA District- NAWADA

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1. Suraj Kumar son of Vinod Singh
2. Vikash Kumar Son of Pramod Singh, Resident of Village Shiv Dayal
Bigha (Nanaura) P.S. & District Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-09-2016

Heard learned counsel for the petitioners and the State.

The petitioners seek bail in a case instituted for the offences under Section 363 of the I.P.C.

The prosecution story, in brief, is that on the alleged date and time of occurrence the informant returned to his house after finishing his duty, then his son Biru Kumar demanded Rs.20/- for doing recharge of mobile and the informant gave the same to his son and his son went out from the house saying to return within five minutes but he did not return to his house. When his son did not return for late hours the informant asked for his wife about it, she told that he did not return to his house. Thereafter the informant searched him in the house of neighbours as well as his family members but he could not trace out his son.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 19.4.2016 and 22.4.2016

respectively and the charge sheet has been submitted in the present case. The petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners are not named in the F.I.R. The alleged occurrence is said to have taken place on 16.01.2016. The case was instituted on 20.01.2016. Delay has not been explained by the prosecution. Later on Section 302 I.P.C. was added when the dead body of the victim was recovered by the side of the river. The petitioners have relied upon the statements recorded in paragraphs 44, 47, 48, 49 and 50 of the case diary. There is no substantive evidence to suggest the implication of the petitioners in the present case.

On behalf of the State, it is submitted that the petitioners are not named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. case No.36 of 2016.

(Sudhir Singh, J)

Narendra/-

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