

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57767 of 2015

Arising Out of PS.Case No. -630 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

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1. Adarsh Kumar @ Chanchal son of Ranjit Singh, Resident of village-
Majhaul, P.S.- Runni Saidpur, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 18-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Ahiyapur P.S.
Case No.630 of 2015 registered for the offences punishable under
Sections 302, 201/34 of the Indian Penal Code.

Allegedly, one dead body of male aged about 25 years
was recovered and on the basis of fardbeyan of chaukidar this case
has been registered, in the pocket of the deceased a paper was
recovered containing the name of Chanchal and his mobile
number. During investigation Anita Devi identified the dead body
as of her son Shambhu Kumar @ Chhotu on the basis of
photograph and she stated that his son was taken away by the
petitioner and other co-accused on motorcycle on 21.07.2015 and

thereafter, the petitioners came at her door and co-accused Mukesh Kumar and Shiva Rai demanded Rs. 50,000/- to search her son.

Submission is of false implication and that there is no direct evidence against the petitioner, he was not seen in the company of the deceased, the mother of the deceased has falsely stated that the petitioner and others went at her door, the petitioner has gone to purchase raw-material for construction of the house and he met with the deceased in casual manner at the shop of cement who express to help in constructing his house and took the mobile number of the petitioner which was found in the pocket of the deceased, without any legal and cogent material chargesheet has been submitted and the petitioner is suffering in custody since 27.07.2015 having no criminal antecedent.

Learned APP opposes the prayer of bail by submitting that the mother and other family members of the deceased have stated that the deceased went with the petitioner and others and thereafter, he became traceless.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like

amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 630 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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