

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 48878 of 2016

Arising out of P.S. Case No. - 35 Year - 2015 Thana - DHAKA District - EASTCHAMPARAN (MOTIHARI)

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Sandhir Dubey, Son of Late Bhagirath Dubey, Resident of Village – Kaswa Tola, Barharwa Lakhan Sen, Police Station Dhaka, District East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 16-01-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 364(A), 302, 201 and 120(B)/34 of the Indian Penal Code.

Eleven years old son of the informant was found missing from his house since 09.02.2015. The First Information Report was lodged on 13.02.2015. In the meantime, the informant came to know that the petitioner was seen along with the victim boy. Later on, the petitioner was contacted and the petitioner promised to bring back the said boy. However, demanded for a Samsung mobile and Rs.3,500/-. After receiving the mobile and the cash aforesaid, the petitioner fled away. Therefore, the petitioner and co-accused Abhinandan Pandey are suspected to



have kidnapped the victim boy. In the confessional statement of Abhinandan Pandey name of the petitioner transpired wherein Abhinandan Pandey stated that he and this petitioner had committed murder of the victim boy. They cut the dead body into pieces and have dipped at the referred place. The police recovered the dead body on the basis of confession and on the basis of bone and some muscles, the dead body was identified as that of the victim boy. The petitioner is in custody since 29.02.2015.

Submission is that there is no eye-witness of the occurrence and only material is suspicion on the basis of circumstances stated above.

Learned counsel for the informant opposed the prayer for bail and submits that only Doctor has to be examined in the trial. However, he is not sure as to when the Doctor would be examined and the trial would be concluded.

Considering the nature of allegation and period already undergone by the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Motihari, East Champaran/Successor Court in connection with S.Tr. No. 442



of 2015 arising out of Dhaka P.S. Case No. 35 of 2015 with condition that the petitioner shall fully co-operate with the trial, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J.)

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