

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1616 of 2017

Arising Out of PS.Case No. -117 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Pawan Kumar Mishra, S/O Dindyal Mishra, Resident of village - Gonaha,
P.S. - Raxaul, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 08-02-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Raxaul
P.S. Case No.117 of 2016 registered under Sections 363 and
365/34 and, later on, added Section 302 of the Indian Penal Code.

The allegation of the informant is that on 31.05.2016 at
about 08.00 A.M., his son, namely, Rajkishore Kumar alias Botla,
aged about 7 years, alongwith other children was playing in the
orchard situated adjacent to the flour mill of the petitioner and he
has been kidnapped from there by Sudhir Mishra, Guria Mishra,
this petitioner and Binda Mukhiya.

Learned counsel appearing on behalf of the petitioner



submits that it would appear from the F.I.R. that the informant is not an eye witness to the occurrence. After lodging of the present case, on the basis of the written report of the informant, the dead body of the minor son of the informant was recovered near the bamboo clamps on 02.06.2016, as detailed in paragraph-17 of the case diary. Thereafter, the witnesses, in paragraphs-24, 25, 34, 98, 140, 141, 143 of the case diary, have stated the deceased son of the informant alongwith other children was playing in the orchard situated adjacent to the flour mill of the petitioner. At that time, Sudhir Mishra alongwith Binda Mukhiya reached there and handed over Rs.100/- to Rajkishore alias Botla, the minor son of the informant, for purchasing the biscuits and Shikhar Gutkha. Thereafter, Sudhir Mishra and Binda Mukhiya took the biscuits from him and distributed the same amongst the children. Later on, in course of investigation, the witnesses, in paragraphs-147, 148 and 149 of the case diary, have stated that at the time of occurrence, this petitioner and Guria Mishra were not present at their house. Except suspicion raised by the witnesses, in course of investigation, that the petitioner was not present at his house at the time of occurrence, there is no tangible material to show the hand of the petitioner in the commission of the murder of the minor son of the informant, who is said to be playing alongwith other



children in the orchard situated adjacent to the flour mill of the petitioner. The petitioner having no criminal antecedent is in custody since 26.08.2016.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Raxaul at Motihari, in connection with Raxaul P.S. Case No.117 of 2016.

(Rajendra Kumar Mishra, J)

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