

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37304 of 2016

Arising Out of PS.Case No. -306 Year- 2015 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Guddu Mahto, son of Shankar Mahto, resident of Village-Pokhraira, Tole
Mohanpur, P.S.- Muffasil, District- Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8 28-03-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Samastipur Muffasil P.S.

Case No. 306 of 2015 instituted for the offence under Sections
302 and 201/34 of the Indian Penal Code.

It is alleged that son of the informant who was student
of class-V had gone for coaching, did not return back. The
informant made announcement on Loudspeaker but he could not
get any information about him. It is further alleged that on
9.10.2015 and 11.10.2015 at 10:00 a.m. his wife Minta Devi
received calls from mobile phone from two different numbers
that she would get her son. The caller enquired about the balance
amount in their account number as well as the availability of
A.T.M. It is further alleged that the call was made by male



member and as such, the informant apprehended that his son might have been kidnapped.

It has been submitted on behalf of the petitioner that he has been arrested merely on suspicion and he is in custody since 30.12.2015.

In paragraph-35 of the case diary it is mentioned that the SIM from which call has been received on the mobile of the wife of the informant, belongs to three different persons namely, Ramsharan Tiwari, Raju Hansda and name of the 3rd person was not known but his address was given of village Bas Pahari, P.O. Bakudi, P.S. Narayanpur, Distt. Jamtara. The others two were also the resident of Jamtara and tower location of those Mobiles were also indicating that the call was made from Jamtara.

Learned A.P.P. has submitted that on the basis of confessional statement of co-accused Sanjeet Kumar made in paragraph-79 of the case diary, the skeleton was recovered and on the basis of slipper, the skeleton was identified by the informant that it was son of the informant. The sample was sent for D.N.A. test but the report was not received in this Court till date although, sample was sent in March, 2016 itself.

From the order of the learned Sessions Judge, it appears that besides the confessional statement of the other co-



accused as well as the petitioner, there is no any specific allegation of overt act alleged against the petitioner. It is mentioned in paragraph-3 of the bail petition that the petitioner has clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released 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 Sub Divisional Judicial Magistrate, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 306 of 2015, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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