

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20314 of 2018

Arising Out of PS.Case No. -421 Year- 2017 Thana -SIWAN CITY District- SIWAN

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MITHILESH SINGH @ MITHILESH KUMAR SINGH @ MITHU PRASAD, Son of Gopeshwar Prasad, resident of Village- Jigna Jagarnath, (Kamla Prasad Ke Tola), P.S.- Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 03-05-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is in custody since 26.08.2017 in connection with Siwan Town P.S. Case No. 421 of 2017 for the offence registered under Sections 364A, 302, 201/34 of the Indian Penal Code.

Learned Senior counsel for the petitioner submits that the present petitioner is facing prosecution in a case of kidnapping and ransom leading to the death of a small boy. It is further submitted that the allegation against the petitioner has surfaced only on the confessional statement made before the police by one Dhananjay Kumar @ Bhajju, who has stated that after the victim boy was kidnapped, he was taken several places and finally, it was



this petitioner who had arranged for keeping the child overnight by using his mobile. Subsequently, the victim boy was taken into several other places and finally his dead body was recovered. It is further submitted that the said co-accused Dhananjay Kumar @ Bhajju, on whose confessional statement the petitioner has been taken into custody, has since been extended the privilege of regular bail vide order dated 05.04.2017 passed in Cr. Misc No. 13093 of 2018. It is further submitted that save and except the confessional statement made before the police by co-accused Dhananjay Kumar @ Bhajju, there is no further material in the case diary to implicate the petitioner in connection with the present case.

Diary of the present case was called for which has since been received.

Learned counsel for the State, after perusal of the case diary, submits that the petitioner's mobile number was used, as is apparent from the call detail report which was received during the course of investigation, and therefore, the petitioner had definite role to play in the chain of circumstances which is supported from the kidnapping of boy and he finally killed. Thus, he may not be extended the privilege of regular bail.

Having heard learned Senior counsel for the petitioner



and learned counsel for the State, it appears that apart from the confessional statement, there is no further material in the case diary. So far as call details are concerned, the same have not been testified by the concerned service provider and such evidence cannot be used for the purpose of conviction during the course of trial.

In view of the aforesaid facts and circumstances of the case and there being only other case against the petitioner, in which the petitioner has been granted bail, 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 Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. Case No. 421 of 2017, subject to the following conditions :-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date



during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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