

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55060 of 2018

Arising Out of PS.Case No. -28 Year- 2018 Thana -KALYANPUR District- SAMASTIPUR

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1. Shambhu Singh & Shambhu Kumar Singh son of Phulo Singh resident of village - Mannipur, P.S. Warisnagar (Mathurapur O.P.), District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Kumar Virendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 31-10-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Sessions Trial No. 324 of 2018 arising out of Kalyanpur P.S. Case No. 28 of 2018 instituted for the offence under Sections 302 and 201 of the Indian Penal Code.

Counsel for the petitioner submits that in the written report it is alleged that Naresh Rai, Baidyanath Rai and Mukesh Mahto came at the door of the informant on bike and started calling the husband of the informant. The husband of the informant namely Ashok Kumar Yadav went to his door then Naresh Rai and Baidyanath Rai forcibly got husband of the informant sit on the bike. Mukesh Mahto took the bike of Sanjeet Rai which was standing at the door of Sanjeet Rai and all three accused persons took husband of the informant on Motorcycle. Thereafter, husband of the informant did not return. The informant has further alleged that due to old enmity this petitioner



along with other accused persons had got her husband kidnapped.

During course of investigation, police arrested co-accused Baidyanath Rai and at his instance the dead body of husband of the informant was recovered. Baidyanath Rai in his confessional statement has taken the name of this petitioner.

In this manner, in the written report mere suspicion has been raised by the informant against the petitioner. There is specific allegation against Baidyanath Rai, Naresh Rai and Mukesh Rai of taking the husband of the informant.

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 1st Additional Sessions Judge, Samastipur, in connection with Sessions Trial No. 324 of 2018 arising out of Kalyanpur P.S. Case No. 28 of 2018, subject to the condition that both the bailors will be the close relatives of the petitioner.

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(Sanjay Priya, J)

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