

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44958 of 2018

Arising Out of PS.Case No. -44 Year- 2018 Thana -SONEPUR District- SARAN

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1. Sangam Rai S/o Parmin Ray, R/o Vill.- Chitarchak, Gangapur, P.S.-
Sonpur, District- Saran. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vitesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

3 11-09-2018 Heard learned counsel for the petitioner as well as
learned APP.

Informant who happens to be father of alleged deceased, Kongress Rai, filed a report on 18.01.2018 disclosing therein that during course of returning from the place of his sister on 13.01.2018, his son Kongress Rai became missing. He made hectic search but could not locate.

After registration of the case, police swung into action and as per para-12, certain articles were found near drain north-west of Pahleja Ghat and the same was to be that of Kongress Rai. Then thereafter, as per para-19, again a written complaint was filed by the informant wherein he had disclosed that now he came across the news that his son has been kidnapped with an intention to be killed by Sudip Rai, Sarwa Rai, Sangam Rai and Sailesh Rai and further, they were seen by his co-villagers, Surendra Rai, Raj Kumar Rai, Shivnath Rai and others. Thereafter, statements of aforesaid persons, Raj Kumar Rai under



para-23, Shivnath Rai under para-24 and Surendra Rai under para-25 have been recorded. As per para-32, dead body was recovered which has been claimed to be that of Kongress Rai. Para-34 is the inquest report wherein at Clause-IV, there happens to be description of the dead body but when the same has been gone through with the postmortem report (para-74) is found inconsistent as the doctor had found the body to be decomposed and skin was peeling off at some places.

Apart from this, the statement of the witnesses recorded under para-54, wife, para-55, neighbour have not disclosed that they have seen the deceased passing through the road by the side of which petitioner along with others were seen to be sitting since before. That means to say, there happens to be absence of connecting link to that extent whereupon, petitioner, Sangam Rai, in the event of arrest or surrender within a fortnight, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-1st, Saran at Chapra in Sonapur PS Case No. 44/2018, as laid down under Section 438(2) of the CrPC.

(Aditya Kumar Trivedi, J)

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