

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27070 of 2019

Arising Out of PS. Case No.-890 Year-2018 Thana- KHAGARIA District- Khagaria

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ALOK VERMA Son of Birendra Prasad Verma, Resident of Ward No.17
Rohiyama, Rohinwa, P.S-Beldaur, District-Khagariya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 29225 of 2019

Arising Out of PS. Case No.-890 Year-2018 Thana- KHAGARIA District- Khagaria

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KRIHNA NANDAN VERMA @ KRISHNA NANDAN VERMA
@TUNTUN VERMA S/O Sri Prithvi Chand Verma, Resident of Ward No. 17
Rohiyama, Rohinwa, P.S. Beldaur, District- Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 27070 of 2019)

For the Petitioner/s : Mr.Veena Kumari Jaiswal, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 29225 of 2019)

For the Petitioner/s : Mr.Veena Kumari Jaiswal, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 20-11-2019 Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners of Crl. Misc. Nos. 27070 of 2019
and 29225 of 2019 are languishing in custody since
05.01.2019 and 23.12.2018 respectively in a case registered
for the offence punishable under Sections 363 and 364 of the
Indian Penal Code.



The prosecution case is that the nephew of the informant, namely, P. R. Anand went traceless since 11.12.2018, leading to registration of FIR against unknown. During investigation, it transpired that the victim had illicit relationship with one Shivani Kumari, who happens to be niece of the petitioners. The victim was found in objectionable condition with Shivani Kumari which was noticed by the grand-mother of the petitioners and she called and informed the petitioners about it who came and assaulted the victim and took him outside the house.

It is submitted by learned counsel for the petitioners that admittedly, no evidence has been collected during investigation to the effect that the petitioners have kidnapped the victim. It is further submitted that in paragraph no.148 of the case diary wherein the statement of Raj Kishore Paswan, who is co-villager of the petitioner, has been recorded which suggests that after two days of the alleged occurrence, the victim called him on his mobile phone.

Learned APP for the State after going through the case diary submits that the family members of the petitioners have accepted this fact that these two petitioners assaulted the victim since he was found in objectionable condition with their



niece.

It is submitted by learned counsel for the informant that till date neither the victim has been returned nor his dead body has been recovered.

Considering the accusation based on the circumstantial evidence, the investigation being already concluded and the report of the learned 3rd Additional Sessions Judge, Khagaria dated 21.09.2019 suggesting that still the charge has not been framed and there is no likelihood of trial being concluded in near future, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Khagaria, in connection with Khagaria P.S. Case No. 890 of 2018.

(Dinesh Kumar Singh, J)

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