

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32220 of 2019**

Arising Out of PS. Case No.-935 Year-2018 Thana- SITAMARHI District- Sitamarhi

Jitendra Kumar Son of Ram Kalyan Rai Resident of Village- Aamghata, P.S.-
Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

6 16-11-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner is languishing in custody since
08.01.2019 in a case registered for the offences punishable
under Sections 363 and 365/34 of the Indian Penal Code.

The prosecution case is that the informant's son Shiva
Yadav went missing on 30.09.2018 for which a Sanaha was
lodged but right on the same day, one Rajnish Kumar conveyed
to the informant that the son of the informant first left with him
and thereafter, he went in the company of the petitioner and co-
accused Sudhir and consequently, the FIR was lodged on
04.10.2018 and subsequently, dead body of the son of the
informant with multiple injury was recovered on 07.10.2018.

It is submitted by learned counsel for the petitioner
that the informant is not the eye witness to the alleged



occurrence and except factum of last seen, even as per the accusation levelled by Rajnish, there is no material against the petitioner to corroborate the accusation. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel appearing for the informant and the learned APP after going through the case diary submit that during investigation, it transpired that the informant has confirmed believe that his son was killed by the petitioner and the petitioner was seen in the company of the victim. Moreover, out of 10 witnesses, 3 witnesses have already been examined. However, learned counsel for the petitioner submits that only one witness has been examined.

Considering the delayed lodging of the case and the accusation based on circumstantial evidence, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 935 of 2018.



The learned Court below will positively cancel the bail bonds of the petitioner, if the petitioner defaults for two consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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