

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51374 of 2019

Arising Out of PS. Case No.-188 Year-2018 Thana- RAXAUL District- East Champaran

FIROJ KUMAR @ AJAY KUMAR, aged about 33 years (M), Son of Ramesh Prasad, Resident of Village - Naga Road, Raxaul, Ward No. 22, P.S.- Raxaul, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr.Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-08-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 02.08.2018 in a case for the offence registered under Sections 365/34 of the IPC. Later on, Sections 302, 201, 120(B)/34 of the IPC were also added in place of Sections 365/34 of the IPC.

The prosecution story, in brief, is that Vinay Kumar aged about 19 years, son of the informant, was found missing from 22.07.2018 at about 12.00 hours. The informant came to know that her son alongwith co-accused Billu Kumar had gone to meet their friends. She suspected that F.I.R. named accused persons disappeared her son.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Seven persons were named in the F.I.R. merely on the basis of suspicion. The petitioner is not named in the F.I.R. His name has come in the present case on the basis of confession made by co-accused Rupa Kumari. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. Neither there is any eye witness in respect of offence under Section 365 of the IPC nor there is any eye witness in respect of offence under Section 302 of the IPC nor there is any circumstantial evidence to suggest the participation of the petitioner in the present case. Other co-accused have been granted bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 18186 of 2019 under order dated 02.04.2019 and Cr. Misc. No. 25374 of 2019 under order dated 24.04.2019.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Raxaul, Motihari, East Champaran, in connection with Raxaul P.S. Case No. 188 of 2018.

(Sudhir Singh, J)

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