

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63576 of 2019

Arising Out of PS. Case No.-684 Year-2018 Thana- AMARPUR District- Banka

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Vinod Kumar Tanti @ Vinod Tanti @ Binod Kumar Tanti Son of Late Deodatt
Tanti Resident of Village-Kusidol, Police Station-Fullidumar, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for
grant of bail in a case registered for the offence under sections
364,302, 120B and 34 of the Indian Penal Code.

As per the allegation in the FIR, the petitioner and
others are said to have kidnapped the husband of the informant
on 22.12.2018 and his dead body was recovered on 23.12.2018.

It is submitted by learned counsel for the petitioner
that although the occurrence is alleged to have taken place on
22.12.2018 and the dead body was recovered on 23.12.2018 but
the FIR was registered on 24.12.2018 without there being any
explanation for the delay. It is further submitted that similarly
situated co-accused have been enlarged on bail, orders of which



have been placed on record as Annexures 2 and 3 of the application. The petitioner is in custody since 22.02.2019.

It is submitted by learned counsel for the informant that the submission on behalf of the petitioner that there is delay in lodging of the FIR is incorrect for the reason that soon after the occurrence, information was given to the police authority on telephone and it was error on part of the police authority as they did not register the same. It is further submitted that the petitioner-accused cannot take the benefit of the lapses on part of the investigating authorities. It is further submitted that the deceased was an RTI activist and it is for this reason that on his complain when next date for hearing of the complaint was fixed on 23.12.2018 that he was kidnapped on 22.12.2018 and the occurrence given effect to. It is also submitted that the Investigating Authority have found the case against the petitioner to be true and have submitted charge sheet.

The application for bail has been opposed by learned APP for the State submitting that the witnesses have supported the case in their statements recorded in paragraph nos. 15,16,17 and 174 of the case diary.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case



together with the fact that similarly situated co-accused have been enlarged on bail by order dated 29.08.2019 passed in Cr. Misc. No. 40976 of 2019, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur (Fullidumar) P.S. Case No. 684 of 2018 (District Banka).

(Partha Sarthy, J)

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