

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9994 of 2020

Arising Out of PS. Case No.-614 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Sanjeev @ Sandeep Kumar Sah, Male, aged about 32 years, Son of Yogendra Sah Resident of Village - Gharari, Parora, P.S.- K. Nagar, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-06-2020

The petitioner, who is in custody since 27.08.2019 and is a person of clean antecedent, seeks bail in connection with K. Hat P.S. Case No. 614 of 2019, dated 24.08.2019, instituted for the offences under Sections 364 and 34 of the Indian Penal Code.

The informant, who is the grand-mother of the kidnapped person has alleged that her grand-son always complained about Pankaj Yadav, Md. Mozim and Krishna Shah, who always troubled him. When the grand-son of the informant went missing, she suspected the hands of the aforesaid three persons.

The petitioner is not named in the FIR.

However, during the course of investigation, one Dinesh Mandal whose statement has been recorded in



paragraph 12 of the case diary has stated that the victim had a talk with one Amit Kumar and the victim had told him that the petitioner and others had caught him along with his three-wheeler and the consignment of liquor kept in the aforesaid vehicle. Ever since then, the mobile telephone of the victim was reported to be switched off. Aforesaid Amit Kumar's statement has been recorded in the paragraph 25 of the case diary, who has disclosed that the victim always told him that the petitioner and others used to trouble him. On 17.08.2019, the victim had told aforesaid Amit Kumar that he was going to West Bengal to bring liquor. Later, the victim also informed aforesaid Amit Kumar that he has been overpowered by the petitioner and others.

It further appears that on 19.08.2019, a dead body was found by the side of the road near Govind Chowk in the District Katihar. In that connection a case vide Katihar Muffasil P.S. Case No. 211 of 2019 was registered for investigation under Section 302 and 201 of the Indian Penal Code.

There is a confession of Pankaj Yadav which has been recorded in paragraph 48 of the case diary in which he has admitted that the victim was killed and the money which was obtained by selling his vehicle and the consignment of liquor was distributed amongst the



accused persons. One of the co-accused persons viz. Mithun Sharma has also confessed his guilt.

It further appears that because of such materials having been collected during the course of investigation, charge sheet was submitted against the petitioner and four other accused persons.

Considering the fact that the nature of accusation against the petitioner is only based upon confession of co-accused persons and taking into account the fact that the petitioner has not been named in the FIR and his period of custody as well as his clean antecedent, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, District Purnea in connection with K. Hat P.S. Case No. 614 of 2019.

The application stands allowed.

(Ashutosh Kumar, J)

GAURAV S./-

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