

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.18025 of 2020

Arising Out of PS. Case No.-132 Year-2019 Thana- SULTANGANJ District- Bhagalpur

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SURENDERA YADAV @ SUNIL YADAV Son of Sehdev Yadav Resident of
Village- Rajgangapur, P.S.- Sultangunj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 09-06-2020 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 365, 506, 34, 302, 201, 120B of the Indian Penal Code.

Informant has alleged that his son, Chhotu Kumar @ Ranjit was working as a worker in the Ajgaibi Jewellers which belongs to his Bahnoi Bajrangi Sah. On 25.05.2019, the



informant received a call from his sister asking him to take back his son from her place else he would be killed and thrown away. It is further alleged that other phone calls had come from several numbers by the brother-in-law of the informant who asked him to take back his son, else his dead body would not be recovered. When the informant reached Sultanganj and even after much search, he could not trace his son, he went to the Ajgaibi jewellers where the workers told him that his son is no more. In this regard, when he asked his sister and brother-in-law, they showed ignorance about his son and asked him to go away quietly otherwise, he would be killed. Thereafter, the informant went to the police and gave a missing application. It is further alleged that dead body of his son has been concealed at an unknown place by the aforesaid accused.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. Petitioner is not named in the FIR and his name has surfaced in this case on the basis of confessional statement made by the co-accused Arun Kumar Sah, with whom petitioner has enmity, and except said confessional statement, there is no any other incriminating material against the petitioner and said Arun Kumar Sah has already been granted bail by a co-ordinate



Bench of this Court by order dated 16.01.2020 passed in Cr. Misc. No.73891 of 2019. Petitioner has no criminal antecedent and he is in custody since 18.11.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sultanganj P.S. Case No. 132/19, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

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(S. Kumar, J)

