

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27885 of 2020

Arising Out of PS. Case No.-168 Year-2019 Thana- ANDHRAMATH District- Madhubani

1. Kala Devi @ Smt. Kala Devi W/o Om Prakash Yadav Resident of Village- Kouriyahi, Police Station- Laukahi, District- Madhubani.
2. Om Prakash Yadav @ Om Yadav S/o Suresh Chandra @ Suresh Chandra Yadav Resident of Village- Kouriyahi, P.S.- Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 15-12-2020 The learned counsel for the parties were heard at length yesterday and today, the instant case has been listed under the heading for orders.

The petitioners seek regular bail in connection with Andhramath P.S. Case No. 168 of 2019 (G.R. No. 1823 of 2019), registered for the offence punishable under Sections 363 and 365/34 of the Indian Penal Code.

The case of the prosecution in brief is that the brother of the informant, namely, Rupesh Kumar Yadav, was called in the evening of 05.10.2019 repeatedly by the co-accused person, namely, Nitu Devi, whereafter the brother of the informant had



gone to the house of the petitioners, however, thereafter, when the informant tried to contact him, his mobile phone was found switched off. It is also alleged that the petitioners and the co-accused person, namely, Nitu Devi, have abducted the brother of the informant and killed him.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 08.02.2020. The learned counsel for the petitioners has further submitted that nobody has last seen the victim with the petitioners and moreover, there is no material on record to show the complicity of the petitioners in the alleged crime. It is further submitted that no motive has been attributed to the petitioners so as to warrant commission of the alleged crime of abduction of the brother of the informant.

Per contra, the learned APP has vehemently opposed the prayer for bail.



Having considered the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that neither any motive has been attributed for the alleged occurrence, as far as the petitioners are concerned, nor the petitioners have been last seen in the company of the victim and moreover, they are having clean antecedent and they are languishing in custody since 08.02.2020, apart from the fact that the charge-sheet has also been filed and the investigation is complete, hence, I find that prima facie, there is minuscule evidence available in the case diary so as to connect the petitioners with the alleged crime, thus, I deem it fit and appropriate to grant regular bail to the petitioners herein.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate, Jhanjharpur, District-Madhubani in
connection with Andhramath P.S. Case No. 168 of
2019 (G.R. No. 1823 of 2019).

(Mohit Kumar Shah, J)

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