

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25041 of 2020

Arising Out of PS. Case No.-93 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

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HARISHANKAR NISHAD @ CHINTU CHAUDHARY Son of Late Sohan Chaudhary Resident of Village- Mohania Ward No.06, Mallah Toli, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey
For the State	:	Mr. Madan Kumar APP
For the Informant	:	Mr. Pawan Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 23-11-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Mohania P.S. case No. 93/2020 registered u/s 302/201/34 of the IPC.

The informant, Harilal Prasad, father of the deceased, disclosed that his son became traceless from his house since 4 PM on 27.03.2020. On 28.03.2020 at about 11 AM dead body of his son was found and the same was sent for post mortem. The informant made statement before the police on 29.03.2020 to take action against unknown persons.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. The informant and his wife in



their subsequent statement in paragraph 6 and 7 of the case diary suspected the hands of the petitioner and others on the allegation that petitioner and others took their son from their house and their son did not return. It is submitted that son of the informant became traceless on 27.03.2020 but neither the father nor the mother informed the police disclosing that petitioner and others had taken their son. The dead body was recovered on 28.03.2020 even then the parents of the deceased did not disclose the facts that petitioner and others took their son from their house. After lodging the case on 29.03.2020 also the informant did not disclose this fact that petitioner and others took his son from his house but later on father and mother of the deceased made statement and disclosed the name of petitioner and others and suspected that petitioner and others might have killed his son and concealed the dead body in a dilapidated house. It is further submitted that accused, including the petitioner, are said to have confessed their guilt. Save and except suspicion and confession no other material is collected and the I.O. submitted charge sheet. Similarly situated accused, Sonu Chaurasia @ Munna has already been granted bail. Of course, the petitioner has got criminal antecedent but he is on bail in all the four cases lodged against the petitioner.



The learned APP as well as the learned counsel for the informant opposed the prayer for bail and submit that father and mother made subsequent statement stating that petitioner and others took their son from the house and thereafter their son became traceless and his dead body was recovered. The petitioner has got criminal antecedent and, therefore, the petitioner does not deserve bail.

Perused the records.

There appears that petitioner is not named in the FIR. Son of the informant became traceless from 27.03.2020. The dead body of the son of informant was recovered on 28.03.2020 but the informant did not lodge the case. On 29.03.2020 the informant lodged the case against unknown and he did not disclose this fact that petitioner and others took his son from his house but the informant and his wife in their subsequent statement disclosed that the accused persons took their son. Save and except suspicion and confession of the accused the I.O. did not collect any other tangible material to show the involvement of the petitioner in the killing of the son of the informant. Similarly situated co-accused, Sonu Chaurasia @ Munna has already been granted bail.

Considering the facts aforesaid and the nature of



allegation made against the petitioner, the petitioner, above named, is directed to 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, Kaimur at Bhabua in connection with Mohania P.S. case No.93/2020.

(Prabhat Kumar Jha, J)

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