

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29725 of 2020

Arising Out of PS. Case No.-115 Year-2020 Thana- BHORE District- Gopalganj

SUJIT KUMAR @ SUJIT KUMAR YADAV, aged about 23 years (Male), S/o Lalan Yadav, Resident of Village-Raghunathpur, P.S.-Bhorey, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dhramveer, Advocate.

For the Opposite Party : Mr. Mritunjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-11-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 364/34 of the I.P.C. in which charge sheet has been submitted under Sections 302 and 201/34 of the I.P.C.



The prosecution story, in brief, is that on 24.04.2020 in the night, the son of the informant, went to sleep on the roof after taking meal. The informant, her daughter and son also went to sleep in the house. In the night at about 11.00 P.M., somebody called her son on the mobile phone. Thereafter, her son went outside of the house. The daughter of the informant saw that her brother went on Motorcycle with someone. The informant searched her son but he did not trace out. She raised suspicion against her villagers Vidya Sagar Giri, Hari Bhushan Giri, Azad Giri, Jakir Ansari and Rajesh Singh and some unknown persons as they threatened the informant earlier on the point of cutting wheat.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 05.05.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Neither there is any eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioner in the alleged occurrence. The petitioner is not named in the F.I.R. As per the statement of one Archana



Kumari, at best, it is a case of last seen.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj, in connection with Bhorey P.S. Case No. 115 of 2020.

(Sudhir Singh, J)

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