

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71235 of 2019

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

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Pappu Prasad Sah, Son of Naresh Sah, Resident of Mohalla - Indrapuri Gali,
Tilgori, Police Station - Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73891 of 2019

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

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Arun Kumar Sah, S/o Late Vishwanath Sah, R/o Mohalla- Indrapuri Gali,
Pildourii, P.S.- Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71235 of 2019)

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Adv.

For the Opposite Party/s : Mr.Ashok Kumar, APP

For the Informant : Mr. Dhananjay Kumar Pandey, Adv.

Mrs. Shyama Rani, Adv.

(In CRIMINAL MISCELLANEOUS No. 73891 of 2019)

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

For the Informant : Mr. Dhananjay Kumar Pandey, Adv.

Mrs. Shyama Rani, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioners in both the cases as well as learned counsel for the informant and learned counsel representing the State.

The petitioners in both the applications are seeking regular bail in connection with Sultanganj P.S. Case No.132 of



2019 registered for the offence punishable under Sections 365 and 506/34 of the Indian Penal Code, later on Sections 302, 201 and 120B of the Indian Penal Code have also been added.

As per the prosecution story, the son of the informant was working in jewellery shop of the sister and brother-in-law of the informant for last ten years. It is alleged that on 25.05.2019, the sister of the informant called the informant and asked him to take back his son otherwise he would be killed and will be thrown out. The informant is said to have reached there and came to know that his son is no more in this world. His sister and brother-in-law told that they cannot say anything as to his whereabouts. The informant lodged a case of missing raising suspicion that his son had been killed by the aforesaid named persons and his dead body has been concealed somewhere.

Learned counsel for the petitioners submits that so far as these petitioners are concerned, they have no relation with the sister and brother-in-law family of the informant. They have been made accused in this case on mere suspicion and in course of investigation the police has extracted forcibly the confessional statement of Arun Kumar Sah (petitioner in Cr.Misc.No.73891 of 2019). However, save and except that confessional statement, there is no material collected in course of investigation to connect these petitioners with the present case.



Learned counsel further submits that the learned Sessions Judge has referred paragraphs 35, 36 and 37 of the case diary, a perusal whereof would show that those are the paragraphs in which further statement of the informant and the statement of two of his sons have been recorded. In his further statement he has named these petitioners along with sister and brother-in-law and this statement has been made on the basis of the information furnished to him allegedly by one Bijo Prasad Sah who was working as a '*Karigar*' on the jewellery shop but in paragraph 78 of the case diary said Bijo Prasad Sah has categorically stated that the son of the informant was not working with him in the said jewellery shop. He had been working with Sanjay Poddar and thereafter had worked with one Amit Chaudhary and Ankit Chaudhary. This witness has also stated in course of investigation that he has not seen any such occurrence and is not aware of anything.

It is, thus, submission of learned counsel for the petitioners that save and except mere suspicion there is no material against these petitioners to connect them with the present case. The petitioners are said to be in custody for more than four months, the investigation against them is complete and charge-sheet filed. It is also submitted that there is no chance of tampering with the evidence and/or influencing the witnesses if they are



released on bail.

Learned counsel for the informant is present and has opposed the prayer for bail, though in course of hearing no material has been pointed out save and except what have been noticed hereinabove.

Learned APP for the State has also endorsed the submission of learned counsel for the informant.

In the given facts and circumstances of the case considering the submission that earlier the informant had lodged a missing case and thereafter he named these petitioners as co-accused along with sister and brother-in-law on the basis of the information furnished which he is said to have received from one Bijoy Prasad Sah, but said Bijoy Prasad Sah has stated in course of investigation that son of the informant was not working in the jewellery shop with him and he was not aware of anything with respect to the alleged occurrence and save and except that confessional statement of the co-accused Arun Kumar Sah there is no other material available on the record at this stage as also that the investigation against the petitioners is complete, let the petitioners above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sultanganj P.S. Case



No.132 of 2019, subject to the condition as laid down under
Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the
conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar
to the offence of which he is accused, or suspected, of the
commission of which he is suspected, and

(c) that such person shall not directly or indirectly
make any inducement, threat or promise to any person acquainted
with the facts of the case so as to dissuade him from disclosing
such facts to the Court or to any Police officer or tamper with the
evidence.

(Rajeev Ranjan Prasad, J)

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