

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13297 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- KHANPURA District- Samastipur

Sanjay Kunwar @ Sanjay Kumar Son Of Shiv Balak Kunwar Resident Of
Village - Shadipur, P.S.- Khanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shivam
For the Opposite Party/s :	Mr. Bijay Bhushan Prasad
:	Ms. Sadhna Suman
:	Mr. Shekhar Harshvardhan
:	Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Khanpur P.S. Case No.197 of 2020 registered for the offence punishable under Sections 364, 120 B of the Indian Penal Code to which Sections 302, 201 of the IPC were added subsequently.

As per the prosecution case, father and mother of the informant had gone to Temple at Baghopur Durgasthan. While they were returning back informant's father asked his mother to go home



on the pretext that he will come after some time, but after a lapse of two hours when his father didn't return, he made several calls which was also not received by him and from then his father was missing. It is alleged that due to earlier dispute *Sanjay Kunwar* along with his associates has abducted her husband and committed untoward incident.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that the petitioner is not named in the F.I.R. On the basis of confessional statements of co-accused petitioner has been made accused in the present case. He further submits that only on suspicion petitioner has been falsely implicated in this case by the police. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 25.10.2020.

Learned counsel for the informant and learned APP for the State opposing the bail petition submits that the deceased was lastly seen with the petitioner, which fact is given in the case diary. He also submits that *Bipin Kumar* (son of the deceased) has also specifically stated that petitioner had killed the deceased.

Considering the facts aforesaid and the fact that there is no specific allegation against the petitioner, the above named petitioner



is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Khanpur P.S. Case No. 197 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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