

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14542 of 2021**

Arising Out of PS. Case No.-234 Year-2020 Thana- MURLIGANJ District- Madhepura

DILKHUSH KUMAR Son of Pawan Yadav Resident of Village - Gangapur,
ward No.6, P.S.- Murliganj, Distt.- Madhepura.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 21-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, Mr. Rajendra Singh, learned A.P.P. for the State and the I.O. of the case who is connected online.

Petitioner in the present case is seeking regular bail in connection with Murliganj P.S. Case No. 234 of 2020 registered for the offences punishable under Sections 365/34 of the Indian Penal Code. He is in custody since 29.07.2020. The petitioner has otherwise no criminal antecedent.

As per the prosecution story the petitioner and co-accused Satish had gone to the house of the informant from

where they took the son of the informant namely Dilkhush Rishideo saying that they will go to attend a *bhoj* at the house of Vilash Yadav who happen to be the father-in-law of the brother of the informant. They left the house on 23.07.2020 at 4.00 pm but thereafter on 24.07.2020 though the petitioner and co-accused Santosh Kumar returned home but they did not say anything about the son of the informant. The informant therefore suspected that his son has been made to disappear and some unfortunate happenings might have taken place with him.

Learned counsel for the petitioner submits that in course of investigation no material has come against the petitioner so as to substantiate any allegation of participation of this petitioner in the disappearance of the son of the informant. It is submitted that during investigation it has come that the petitioner along with co-accused Satish and the deceased had in fact reached the house of Vilash Yadav and they had stayed there overnight after taking dinner but in the midnight the son of the informant left the house of the Vilash Yadav and entered in somebody's house in the village whereafter he was beaten by the villager in whose house he had entered. No further information has come in the case diary.

Mr. Rajendra Singh, learned A.P.P. for the State and

the I.O. of the case have placed before this Court that though the witnesses have stated that this petitioner and co-accused had gone with the deceased on 23.07.2020, the F.I.R. has been lodged after three days i.e. on 26.07.2020 and it has come in the case diary that they had reached the house of Vilash Yadav where they had taken dinner and stayed in the night. Referring to the entry made in the paragraph '39' of the case diary, the I.O. says that in fact it has come in course of investigation that in the night hour the son of the informant had left the place and had gone in the house of somebody where he was beaten but thereafter he was not seen in the company of this petitioner.

Considering the facts and circumstances of the case wherein the materials collected in course of investigation have revealed that the petitioner was with the deceased in the house of Vilash Yadav where they had stayed overnight after taking dinner but thereafter the son of the informant left the house in the night and had entered in somebody else's house in the village and there some incidence allegedly took place but nothing has come in the investigation suggesting that this petitioner was found with the son of the informant after the said period, this Court having noticed that the petitioner has remained in jail for over one year and the investigation against

him is complete, directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Murliganj P.S. Case No. 234 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.