

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21361 of 2021**

Arising Out of PS. Case No.-557 Year-2020 Thana- SARAIYA District- Muzaffarpur

Sunil Thakur, S/O Rajendra Thakur R/O Village Ratanpura, Police Station-
Saraiya, (JAITPUR O.P.), District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Nath Sharma- Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 15-12-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Saraiya
(Jaitpur O.P.) P. S. Case No.557 of 2020, instituted for the
offences under Sections 363, 364, 302, 201, 34 of the Indian
Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 24.08.2020, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the informant on 21.08.2020 alleges that on 18.08.2020, the
son of the informant aged about 12 years had gone to play with
other children in the courtyard of Panchayat Bhawan near



Brahmsthan and her son disappeared from Manegi Chowk while coming home after playing, despite search, the child could not be traced.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged, it would manifest that the child became traceless on 18.08.2020 and the F.I.R. came to be instituted on 21.08.2020 i.e. after a delay of three days without any plausible explanation. The F.I.R. does not even remotely raise any suspicion against anyone regarding kidnapping of the child.

The learned counsel for the petitioner further submits that during the course of investigation on 23.08.2020, the dead body of the child was recovered from the place near the house of Shailendra Ojha. The learned counsel submits that after the body was recovered, the father of the victim gave a new turn to the story by alleging that this petitioner along with other accused kidnapped the victim and after 2-3 days came at his toddy shop and demanded Rs. Two Lakhs.

The learned counsel further submits that it does not stand to reason that if the child was traceless since 18.08.2020 as stated by the father and if the child was kidnapped and after 2-3 days the accused had demanded ransom then why this fact



was not stated in the F.I.R. This amply demonstrates that the petitioner has falsely implicated in the present case. The learned counsel further submits that admittedly, there is no eye witness to the occurrence as no witness has come forward during the course of investigation as an eye witness.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 24.08.2020, he is a person with clean antecedent and charge-sheet has been submitted in this case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Saraiya (Jaitpur O.P.) P. S. Case No.557 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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