

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14945 of 2020

Arising Out of PS. Case No.-241 Year-2015 Thana- BARH District- Patna

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SANJAI @ SANJAY KUMAR @ GAYMATA Son of Late Mahavir Lal @ Mahavir Prasad Resident of Ward No. 26 Dayachak Barh, P.S.- Barh, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 364, 506, 307, 302, 201, 120(B) of the Indian Penal Code.

Allegation is that the accused persons named in the F.I.R. and two unknown persons abducted the son of the informant and committed the murder of the son of the informant by pressing his neck.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The



informant is an eye witness to the abduction. The allegation is that five named accused persons along with two unknown persons had abducted the son of the informant. Subsequently later on the dead body of the son of the informant was recovered. It is a case of abduction-cum-murder. The name of the petitioner after four years for the first time transpired in the present case on the basis of confessional statement of co-accused, who was named in the F.I.R. i.e. Pratap Singh. As per the confessional statement of co-accused Pratap Singh, there is no allegation made against the petitioner for committing abduction of the victim. Hence no adverse presumption can be drawn against the petitioner for committing the murder of the victim under Section 106 of Evidence Act.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Barh P.S.



case No.241 of 2015, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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