

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31893 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- DHAMDAHA District- Purnia

1. SANTOSH KUMAR S/O KRITYANAND MEHTA R/O VILLAGE-SIPAHITOLA PURNIA, P.S-K.HAT, DISTRICT-PURNEA.
2. BAMBAM MEHTA @ VIJAY KUMAR MEHTA S/O LATE MAHAVIR MEHTA R/O VILLAGE-YOGIRAJ, P.S-PURAINI, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Singh, Advocate
For the State	:	Mr. Ram Naresh Rai, APP
For the Informant	:	Mr. Murli Manohar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-12-2021 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 364 and 34 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, it is stated by the informant that his son was having a love affair with the daughter of one Ambika Prasad Mehta. The matter had been settled between the parties. Thereafter, it is stated that on 10.1.2021 at about 5 pm the informant's son was taken by Ranjeet Kumar Yadav on his motorcycle to Ramotar Chauk, Damgaraha where the accused persons including the two petitioners were present



and thereafter he was kidnapped.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The name of co-accused Subhesh Kumar transpired in course investigation and it is alleged that he took the name of the petitioners in his confessional statement made before police which is inadmissible. There is inordinate delay of 3 days in lodging of the FIR. The allegations even if accepted are general and omnibus in nature. The petitioners are in custody since 3.2.2021 and have no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but their name was also taken in the confessional statement by co-accused Subhesh Kumar. It is as a result of the said confession that the dead body of the son of the informant was recovered from West Bengal.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

Liberty is granted to the petitioners to renew their



prayer for bail after six months in case there is no substantial
progress in the trial.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

