

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25772 of 2020

Arising Out of PS. Case No.-578 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

GABBAR BIND Son of Late Ramvilash Bind Resident of Village- Oregaon,
P.S.- Bhagwanpur, District- Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 25786 of 2020

Arising Out of PS. Case No.-578 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

PRAMOD BIND Son of Rambriksh Bind Resident of Village- Dharmapura,
P.S.- Sonhan, District- Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25772 of 2020)

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Ajeet Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 25786 of 2020)

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 18-01-2021 Both the aforesaid applications arise out of Bhabua

P.S. Case No. 578 of 2019 registered under Section 363 of

Indian Penal Code and later on Section 364-A/34 of the I.P.C.

and Section 25(1-b)A,26,35 of the Arms Act has been added.

Therefore, both the aforesaid applications have been heard

together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the

learned A.P.P. for the State.



The accusation is that Rajkamal @ Rajkumar, brother in law of informant Bhim Chaurasiya used to reside at the house of informant since his childhood for study, as his mother died in his childhood. On 26.09.2019, in the evening, Rajkamal @ Rajkumar found missing, while search was made by the informant and other, but no trace was found.

Learned counsel appearing for the petitioners submits that on the basis of written report of informant Bhim Chaurasiya, Bhabua P.S. Case No. 578 of 2019, under Section 363 of the Indian Penal Code was registered on 27.09.2019 against unknown. In course of investigation, it is detailed in paragraph-31 of the case diary that the Police recovered the victim Rajkamal @ Rajkumar from the house of Ramdayal Ram in village-Orgaon, P.S.- Bhagwanpur, District-Kaimur, from where Ramdayal Ram, Gabbar Bind (Petitioner of Criminal Miscellaneous No. 25772 of 2020) and one Chandrama Mallah were apprehended and Chandrama Mallah was found in possession of a bag containing country made pistol. Thereafter, statement of victim was recorded under Section 164 Cr.P.C., as detailed in paragraph No. 72 of the case diary, in which he detailed different story saying that he was taken by co-villager Pramod Bind (petitioners of Criminal



Miscellaneous No. 25786 of 2020) and he was kept in a room, but, thereafter, he was asked to move from there and then Police met the victim. Further submission is that, in fact, due to land dispute in between Pramod Bind with Bhim Chaurasiya, the informant Bhim Chaurasiya managed to implicate the petitioners in collusion with Police. Further submission is that both the petitioners are in custody since 28.09.2019.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 578 of 2019.

(Rajendra Kumar Mishra, J)

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