

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8814 of 2021**

Arising Out of PS. Case No.-15 Year-2020 Thana- RAJEPUR District- East Champaran

1. RAMADHAR RAI @ RAMADHAR RAY Son of Rajendra Rai Resident of Village- Ranipatti, P.S.- Rajepur, District- East Champaran- 845406.
2. Rajendra Rai Son of Late Domi Rai Resident of Village- Ranipatti, P.S.- Rajepur, District- East Champaran- 845406.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Brajesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-08-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Md. Fahimuddin, learned APP for the State.

Petitioners in the present case are seeking regular bail in connection with Rajepur P.S. Case No. 15 of 2020 registered for the offences punishable under Sections 363, 365, 34 of the Indian Penal Code. They are in custody since 22.2.2020.

Learned counsel for the petitioners submits that these two petitioners had taken away the deceased sister's son when

he was sleeping in his house and was alone in his village Ranipatti on 28.12.2019.

Learned counsel submits that these two petitioners have been falsely implicated because they happen to be the co-sharers of the deceased sister's son of the informant. It is submitted that the alleged occurrence is said to have taken place on 28.12.2019 and in course of investigation the step mother of the deceased and the neighbor have disclosed that they had seen the occurrence in which these petitioners and one more accused were taking away the victim but surprisingly the FIR has been lodged by the informant who is resident of another village after one month six days.

Learned counsel submits that it is nothing but a case of false implication and there is no material at all to suggest the involvement of the petitioners. Even otherwise only by virtue of the death of the victim (whose whereabouts is still not known) petitioners are not likely to succeed his property.

Learned counsel for the informant as well as learned APP for the State have opposed the prayer for bail of the petitioners. It is submitted that the deceased sister's son of the informant is still traceless.

Considering the facts and circumstances of the case

wherein this Court has noticed that though the step mother and the neighbour claimed in course of investigation of this case that they had seen the alleged occurrence but the FIR has been lodged by the informant who is resident of another village after about one month six days and there is nothing to explain this huge delay, there is no other material against the petitioners in the case diary, the petitioners have remained in custody in connection with this case for one year six months approximately and investigation against them is complete, let the petitioners be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sadar Motihari, East Champaran in connection with Rajepur P.S. Case No. 15 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly

make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed thier criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

The application stands allowed.

(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'.