

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36786 of 2020**

Arising Out of PS. Case No.-298 Year-2019 Thana- NARDIGANJ District- Nawada

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RAMADHIN KUMAR @ RAMDHANI PRASAD SON OF PRAYAG
PRASAD RESIDENT OF VILLAGE - KAHUARA, POLICE STATION -
NARDIGANJ, DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rabi Bhushan Prasad No. 1, Adv.
For the Opposite Party/s	:	Mr.Khurshid Anwar, APP
For the Informant	:	Mr. Birendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Nardiganj P.S. Case No.298/2019 registered for the offences punishable under Sections 365/34 of the Indian Penal Code and later on Sections 302, 201 and 120B of the Indian Penal Code were also added.

The prosecution story in short is that the informant Muneshwari Devi submitted a written report to the Incharge of



Nardiganj police station alleging therein that on 27.11.2019 at about 6.30 pm her son Awadhesh Kumar was seeing the repairing work of tractor near the house of Babu Lal Mahto. It is further alleged that the informant went to call her son and while the informant was going towards her house with her son, in the meantime her son sat under the Ohari of Ajit Kumar and told her mother that he is coming immediately. It is then alleged that her son did not return then the informant went to call him but she did not find her son there. It is further alleged that then the informant tried to contact her son on mobile no.9661893475 but the said mobile was found switched off. It is further stated that the informant raised suspicion that all the accused persons named in the FIR had abducted her son.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. It is further submitted that altogether five persons are named in the FIR, so far as the present petitioner is concerned, his name has come in the restatement of the informant.

It is further submitted that in course of investigation it has come that the deceased had illicit relation with one lady and on the alleged date he had called on her mobile. Her family members were not happy with this.



Learned counsel further submits that the husband of the lady has been granted bail in Cr.Misc.No.38463/2020 and co-accused Mithun Kumar has been granted bail in Cr.Misc.No.40706/2020. So far as this petitioner is concerned, he has got no criminal antecedent and is in custody in connection with this case since 03.01.2020.

On the other hand, learned counsel for the informant as well as learned APP for the State have opposed the prayer for bail of the petitioner. It is submitted that the name of the petitioner has been taken by the said lady as deceased was seen with the petitioner and other co-accused. Learned counsel further submits that after about one month police has got done an injury report of the petitioner and has noticed one injury on his body.

Having regard to the facts and circumstances of the case wherein this Court has noticed that the name of the petitioner has transpired subsequently, however husband of the lady and one co-accused have already been granted bail by learned coordinate Benches of this Court, the petitioner has got no criminal antecedent, his injury report was done after more than a month, at this stage the investigation is complete but the trial is not likely to take place in near future, this Court directs



that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Nawada in connection with Nardiganj P.S. Case No.298/2019, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(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'.

