

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37614 of 2020**

Arising Out of PS. Case No.-63 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Amit Kumar @ Amit Kumar Sah, aged about 21 years (male), S/o Suresh Sah, R/o Village- Rajajan, P.S.- Mohiuddin Nagar, District- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Jha, Advocate
For the State	:	Mr. Upendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 08-02-2021

Heard Mr. Sanjeev Kumar Jha, learned counsel for the petitioner and Mr. Upendra Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Mohiuddin Nagar PS Case No.63 of 2020 dated 22.04.2020 instituted under Sections 363/366-A/302/201/120-B/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he along with co-accused, Manish Thakur, had kidnapped the minor daughter of the informant and after lodging of the FIR, dead body was also recovered along that of co-accused Manish Thakur.

4. Learned counsel for the petitioner submitted that he



is friend of Manish Thakur and there was love affairs between the daughter of the informant and Manish Thakur and both had married and, thus, both of them being killed is clear indicative of the fact that it was a case of honour killing as the family was not ready to accept such marriage. Learned counsel submitted that the petitioner has neither any role in any kidnapping as the same did not take place and further, that he has no role in the matter as co-accused, Manish Thakur, was his friend. It was submitted that the petitioner has been made accused only because he is friend of Manish Thakur and has no criminal antecedent and in custody since 02.05.2020. It was further submitted that written report given to the police is undated and though the incident is said to have taken place on 08.04.2020, but FIR has been lodged on 22.04.2020 without there being any explanation.

5. Learned APP submitted that the petitioner has been specifically named in the FIR. However, he did not controvert the fact that body of both girl and the co-accused, Manish Thakur, was recovered together from the maize field.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Samastipur, in Mohiuddin Nagar PS Case No.63 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall co-operate with the Court and the prosecution. Failure to cooperate shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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