

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39482 of 2020

Arising Out of PS. Case No.-490 Year-2020 Thana- CHAPRA TOWN District- Saran

Auren Kumar Singh Son of Late Siyaram Singh Resident of Village- Bara
Telpa, P.S.- Chapra Town, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40054 of 2020

Arising Out of PS. Case No.-490 Year-2020 Thana- CHAPRA TOWN District- Saran

Rahul Rai @ Raju Rai Son of Jaipal Rai Resident of Village - Chhota Telpa,
P.S. - Chapra Town, District - Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39482 of 2020)

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the State : Mr.Ram Binod Singh APP

For the informant : Mr. Upendra Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 40054 of 2020)

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the State : Mr.Ram Binod Singh APP

For the informant : Mr. Satyendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-03-2021 Both petitions arise out of the same Police Station i.e. Chapra Town PS Case No. 490 of 2020, and as such, they are being heard and disposed of by this common order.

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

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the



requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioners seek bail in Chapra Town PS Case No 490 of 2020, instituted for the offence under Sections 363, 364 and 120B of the Indian Penal Code.

Co-accused Vinod Rai and Sonu Rai have allegedly taken the informant's son for dinner party. Intimation regarding the death of informant's son has been given by co-accused Rahul Rai.

Learned counsel for the petitioner in Cr. Misc. No. 39482 of 2020 submits that implication of the petitioner is based on confessional statement of co-accused and his own confessional statement. Having no criminal antecedents he has been roped in this case based on alleged participation at the instance of co-accused, having no evidentiary value. The petitioner of Cr. Misc. No. 39482 of 2020 is in custody since 07.09.2020

The learned counsel for the informant and APP for the State have opposed the prayer for bail. Referring to the materials collected in the course of investigation, it is submitted that the call details report (hereinafter referred to as the 'CDR') has been examined and it was found that the co-accused and the instant petitioner were talking on phone.

Considering the rival submissions, let the petitioner of **Cr. Misc. No. 39482 of 2020, namely Auren Kumar Singh**, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Saran at Chapra, in connection with Chapra Town PS Case No. 490 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In so far as the petitioner, namely Rahul Rai @ Raju Rai in Cr Misc No. 40054 of 2020 is concerned, learned counsel for the informant as well as the counsel for the State have submitted that the CDR and mobile tower location both indicate petitioners' participation. It is the petitioner of Cr. Misc. No. 40054 of 2020 who has intimated regarding the death of the informant's son, however, corpse has never been recovered. It is further submitted that as per averments made in para-3 of Cr. Misc. No. 40054 of 2020, four cases are pending against the petitioner, namely Rahul Rai @ Raju Rai.

In the facts and circumstances of the case, this Court, for the present, is not inclined to extend the petitioner, namely Rahul Rai @ Raju Rai in Cr. Misc. No. 40054 of 2020 the benefit of bail.

Accordingly, the prayer for bail made on behalf of the petitioner, namely, **Rahul Rai @ Raju Rai in Cr Misc No 40054 of 2020** stands rejected.

(Madhuresh Prasad, J)

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