

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39511 of 2020**

Arising Out of PS. Case No.-127 Year-2019 Thana- GOPALPUR District- Patna

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RANDHIR KUMAR Son of Sri Arvind Kumar (Dealer) Resident of Village -
Mittan Ghat, P.S.- Khajekalan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Arvind Kumar Mouar, Advocate
For the Opposite Party/s : Mr Ajay Kr No 2, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Gopalpur Police Station
(for brevity, *PS*) Case No 127 of 2019 instituted for the offence
punishable under Sections 364/34, 302 of Indian Penal Code.

The prosecution alleges that the husband of the
informant has been taken away by unknown miscreants and,
thereafter, he has been killed. It is alleged that the abduction is
on account of some dispute in relation to the real estate business
being carried on by the informant's husband.

Learned counsel for the petitioner submits that by
name, the informant has cast suspicion on co-accused Satish
Kumar Singh and Mahesh Yadav. Only when co-accused



Gautam Kumar Ray, who has been arrested during course of investigation and it is on his confessional statement, having no evidentiary value, that the petitioner has been arrested and continues to be in custody since 20.07.2020. The petitioner bears two criminal antecedents, namely, Bakhtiyarpur PS Case No 136 of 2018 and Bakhtiyarpur PS Case No 135 of 2018. Other co-accused persons, namely, Mukesh Kumar @ Mukesh Kumar Ambani, Sanjeet Kumar Vimal and Gautam Kumar Ray have already been allowed bail by this Court in Cr Misc No 62409 of 2019, Cr Misc No 64647 of 2019 and Cr Misc No 75870 of 2019 respectively. It is further submitted that there is no recovery of any incriminating material from the petitioner to suggest his involvement in the present case.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IX, Patna in Gopalpur PS Case No 127 of 2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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