

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2353 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

CHHOTU GUPTA@CHHOTELAL SAH @ CHHOTULAL SAH SON OF
RAMJI SAH @ RAM JIYAWAN SAH R/O VILLAGE BELAURI , P.S.
MOHANIA , DISTRICT KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party/s : Mr. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-04-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Mohania P.S. Case No. 268 of 2020, Gr. No. 1690 of 2020 registered for the offence punishable under Sections 365 of the Indian Penal Code , later on Section 302, 201/34 of the I.P.C. was added.

As per the prosecution case, son of the informant has gone toward the Patna more but he did not return home,



thereafter, on search by his family members he could not be traced out and it is suspected that his son have been kidnapped by unknown culprits.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that there is no specific overt found against the petitioner. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as mentioned in para 3 of the bail application and has been languishing in custody since 13.09.2020.

There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of Amitabh Bachan Bharti which reveals that petitioner is the driver and when he was called by the Amitabh Bachan Bharti he has provided his vehicle to dispose of the dead body, which has not evidentiary value in the eye of law.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Mohania P.S. Case No. 268 of 2020, Gr. No. 1690 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

U		T	
---	--	---	--

