

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 6443 of 2021

Arising Out of PS. Case No.-614 Year-2019 Thana- KHAJANCHI HAT District- Purnia

MD MOJIM S/o Md. Sultan R/o village- Kajha Ganeshpur, P.S.- K. Nagar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr N K Agrawal, Sr Advocate with Dr Bidhu Ranjan, Advocate
For the Opposite Party/s	:	Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 30-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in K Hat Police Station (for
brevity, *PS*) Case No 614 of 2019 instituted for the offence
punishable under Sections 364/34 of Indian Penal Code (for
brevity, *IPC*).

The petitioner's prayer for bail was earlier rejected by
this Court under order dated 09.06.2020 passed in Cr Misc No
12340 of 2020.

The prosecution story, in brief, is that on 17.08.2019
Deepak Kumar, the grandson (*Nati*) of the informant, went to
Ashique Garage, for repairing of his Tempo but he did not
return. The informant, who is the grandmother (*Nani*) of the



kidnapped person, has alleged that her grandson always complained about Md Mojim (petitioner), co-accused Pankaj Yadav @ Pankaj Kumar Yadav and Krishna Sah who always troubled him. When the grandson of the informant went missing, she suspected the hands of the aforesaid three persons.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 27.08.2019. The petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is named in the First Information Report (for brevity, *FIR*) along with two other co-accused merely on the basis of suspicion. After recovery of dead body of the victim in abandoned state, Section 302 of IPC was also added in the present case by the prosecution. After investigation, the police submitted charge sheet for the offence under Sections 396, 201 and 412 of IPC. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Other co-accused have been granted bail by a coordinate Bench of this Court vide Cr Misc No 10326 of 2020 and Cr Misc No 5390 of 2020 under orders dated 15.06.2020 and 03.09.2020 respectively.

Learned APP has opposed the prayer for bail. It is



submitted that the petitioner is named in the FIR.

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 Chief Judicial Magistrate, Purnea in K Hat PS Case No 614 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./-

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

