

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5800 of 2021

Arising Out of PS. Case No.-238 Year-2019 Thana- SIDHWALIYA District- Gopalganj

1. BHAHIKHAN PRASAD Son of Late Tribeni Prasad
2. Pintu Prasad Son of Bhabhikhan Prasad
Both are Resident of Village - Salempur, P.S. Sidhwalia, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kr Singh No.3, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 15-04-2021 Heard learned counsel for the parties.

Petitioners seek bail in a case registered for the offence punishable under Sections 363, 366(A), 302, 201 and 34 of the Indian Penal Code.

Informant, who is mother of the deceased, has alleged that on 15.12.2019 in the evening, her deceased daughter Nasima khatoon had gone for defecation but thereafter she did not return back and even after hectic search, nothing could be known about her. It is further alleged that one Vikki Kumar, son of Bhabhikhan Prasad (petitioner) used to talk with her daughter on her mobile and dispute has been going on with co-villager Tasulim Mian and Imamuddin Mian. Informant has suspected



that all these persons have kidnapped her daughter. Later on dead body of daughter of the informant was found.

Petitioners are not named in the FIR. It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case only on the suspicion. It is further submitted that in the inquest report, cause of death has been shown as drowning in water. The postmortem report also shows the deceased died due to drowning. It is further submitted that not a single witness claimed to have seen the petitioners in the company of deceased prior to recovery of dead body. Similarly placed co-accused Tasulim Mian has already been granted bail by a co-ordinate Bench of this Court, as contained in Annexure 2. Petitioners have no criminal antecedent and they are in custody since 28.05.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sidhwalia P.S. Case No. 238 of 2019, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Sanjay/-

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