

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2864 of 2022

Arising Out of PS. Case No.-379 Year-2018 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Vikash Kumar Singh @ Vikash Kumar @ Guddu S/o Late Musafir Singh Resident of Village- Naraily, P.S.- Durgawati, District- Kaimur at Bhabhua.
2. Jaswant Singh @ Gabbar S/o Sudarshan Singh Resident of Village- Naraily, P.S.- Durgawati, District- Kaimur at Bhabhua.

... .. petitioners/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the petitioners/s	:	Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Md. Shakir Ahmad, A.P.P.
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State. No one appears on behalf of the informant.

The petitioners seek bail in connection with
Durgawati P.S. Case No. 379 of 2018 registered under Sections
364, 302, 201 and 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the
petitioner no. 1 is in custody since 01.10.2021, has antecedent of
one case and petitioner no. 2 is in custody since 05.10.2021, is a
person with clean antecedent, charge-sheet has been submitted
in the case and the informant alleges that his son accompanied
the petitioners and the named accused persons for picnic to Latif
Sah Dam, but did not return while the accused persons returned
to their home and on inquiry they did not give any satisfactory



explanation to the informant about his son, thus, alleges that his son might have been kidnapped by the accused persons.

The learned counsel submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the son of the informant had willingly accompanied the accused persons for a picnic which amply demonstrates that neither the informant nor his son had any apprehension from the accused persons, it is further submitted that at the time of picnic the son of the informant had taken liquor and was forcing to drive the car to which the petitioners and other friends objected, on which the son of the informant got down from the car in anger. It is further submitted that subsequently his dead body was recovered from a *Canal*.

The learned counsel for the petitioners submits that informant is not an eye witness to the occurrence, the entire allegation hinges around suspicion, there was absolutely no motive for the accused persons to kill the deceased, it is further submitted that the accused persons had disclosed the entire fact to the informant but for reason best known to him in the F.I.R. it is alleged that the accused persons were absconding and they did not inform the informant about the whereabouts of his son. It is also submitted that Polygraphic test of the petitioners was done



in that also nothing came out to even remotely connect the petitioners with the offence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the fact that the petitioner no. 1 is in custody since 01.10.2021 and petitioner no. 2 is in custody since 05.10.2021, is a person of clean antecedent, charge-sheet has been submitted in the case, and taking into consideration the submissions made by the learned counsel for the petitioners, let the petitioners above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Durgawat P.S. Case No. 379 of 2018.

(Satyavrat Verma, J)

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