

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3043 of 2022

Arising Out of PS. Case No.-253 Year-2020 Thana- CHACKMEHSI District- Samastipur

Jitu Rana @ Govind Kumar, Son Of Satrudhana Mahto Resident Of Village -
Barheta, P.S.- Kalyanpur, Distt.- Samastipur. Petitioner/S
Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma- Advocate
For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 363, 364, 302, 201/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 03.12.2021, charge-sheet has been submitted in this case and has antecedent of five cases.

The learned counsel for the petitioner submits that the informant alleges that Prabhat Choudhary and Sanjay Chaudhary came and took her son from home on 30.12.2020. Further when her son did not return, she went to the house of the accused persons, who abused and said that her son was not at their house. Thus, alleges that her son was abducted and feared that some untowards occurrence may take place with her son.

The learned counsel for the petitioner submits that admittedly, from perusal of the F.I.R., it would manifest that



initially, the informant alleges that it were Prabhat Choudhary and Sanjay Choudhary, who came and took her son and her son did not return. Thus, she feared that he might have been abducted by them and some untowards occurrence might have taken place. The learned counsel submits that subsequently, the dead body of the son of the informant was found at Madhubani as would be evident from Para-48 of the case diary.

It is next submitted that the statement of the husband of the informant was recorded by the police as would manifest from Para-28 of the case diary where he has raised suspicion against this petitioner along with others that they might have killed him. The learned counsel submits that allegation against this petitioner is based on suspicion that he might be one of the accused, who may have killed the son of the informant.

It is next submitted that the F.I.R. was instituted at Samastipur and the dead body was found at Madhubani, as such, it appears that the occurrence took place at Madhubani and the F.I.R. came to be instituted at Samastipur.

The learned counsel, at the cost of repetition, submits that the petitioner has been implicated merely based on suspicion and his antecedent and it is next submitted that petitioner has antecedent of five cases out of which, two cases



are under the Excise Act and three cases under the I.P.C. as pleaded in Para-3 of the bail application.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in this case and is not named in the F.I.R. and his name transpired subsequently based on suspicion as recorded in Para-28 of the case diary, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chakmehsi P. S. Case No.253 of 2020, subject to condition that one of the bailors of the petitioner shall be his father namely, Satrudhana Mahto.

However, if the learned Court below comes to a conclusion that the petitioner after his release in any manner is trying to delay the trial, the learned Court below shall forthwith cancel his bail bonds after recording reasons.

The application stands allowed.

(Satyavrat Verma, J)

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