

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5957 of 2022

Arising Out of PS. Case No.-16 Year-2021 Thana- BAHADURPUR District- Darbhanga

Rajnath Singh Son of Ram Kishor Singh R/O Village- Andama, P.S.- Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s: Mr. Naveen Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 12-09-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

It is pointed out by learned counsel appearing on behalf of the petitioner that, inadvertently, the name of the Hon'ble Court has been wrongly typed in order dated 22.08.2022 and, as such, made a request to correct the same.

Registry/Office is hereby directed to take necessary steps regarding the aforesaid typographical error.

The petitioner seeks bail in connection with Bahadurpur (Fekla O.P.) P.S. Case No. 16 of 2021 registered for the offence under Section 363 and 365 of the Indian Penal Code, later on recovery of dead body, Section 302 and 201 of the Indian Pe-



nal Code was added.

The accused/petitioner is not named in the F.I.R. and is in custody since 13.09.2021.

The allegation against the petitioner is to kidnap/abduct the son of informant, with intention to wrongful confinement, whose dead body was found subsequently from a nearby open public place.

Learned senior counsel, Mr. Y.C. Verma, appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused persons, namely, Chintu Singh and Navin Singh, where in furtherance thereof, nothing incriminating material recovered/surfaced during the course of investigation to connect this petitioner with present set of occurrence. It is also submitted that petitioner is not named in F.I.R. It is submitted that the witnesses, who were examined in para-40 and 41 of the case diary are also not appearing the eye witness of the actual occurrence, where maximum allegation appears to be of “last seen” along with other co-accused persons. It is submitted that if the version of assault, as made by several persons, what appears in para-40 and 41 of the case diary, be taken into consideration then, certainly multiple external injuries to be found upon the body of



deceased, rather same was single, creating a doubt over manner of alleged assault and, as such, occurrence as a whole. It is submitted that mere on the basis of call detail report, petitioner cannot be implicated in the present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as name of petitioner surfaced on the basis of confessional statement of co-accused persons, where nothing incriminating surfaced during the course of investigation to connect this petitioner, *prima facie*, with alleged occurrence, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bahadurpur (Fekla O.P.) P.S. Case No. 16 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall co-operate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Ramshila Devi who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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