

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8007 of 2022

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

Chintu Singh @ Phulbabu Singh Son of Vasist Singh Resident of Village-
Madhkoul, P.S.- Belsand, District- Sitamadhi, at present Village- Andama,
P.S.- Bahadurpur, District- Daubhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Ranjit Kumar Yadav, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-10-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Bahadurpur (Fekla O.P.) P.S. Case No. 16 of 2021 registered for
the offence under Sections 363 and 365 of the Indian Penal
Code and, later on, Sections 302 and 201 of the Indian Penal
Code was added subsequently.

The accused/petitioner is not named in the F.I.R. and
is in custody since 20.03.2021.

The allegation against the petitioner is to
kidnap/abduct the son of informant, alongwith other co-accused
persons, with intention of wrongful confinement, whose dead



body was found, subsequently, from a nearby open public place.

Learned senior counsel, Mr. Yogesh Chandra Verma, appearing on behalf of the petitioner submitted that name of petitioner surfaced on the basis of confessional statement of co-accused persons, namely, Arun Singh and Navin Singh and also on the basis of self confession, where in furtherance thereof, nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner with the 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 paragraph nos. 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 paragraph nos. 40 and 41 of the case diary, be taken into consideration, then, certainly multiple external injuries would be found upon the body of deceased, rather same was single, creating a doubt over the manner of alleged assault and, as such, occurrence as a whole. It is further submitted that merely on the basis of Call Detail Report (CDR), petitioner cannot be implicated in the present case. While concluding the argument, it is submitted that



investigation in this case is complete, for which, chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

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

In view of 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/recovered during the course of investigation to connect this petitioner, *prima facie*, with the alleged occurrence coupled with the fact that chargesheet 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 conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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