

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10393 of 2022

Arising Out of PS. Case No.-128 Year-2018 Thana- KHAJAULI District- Madhubani

Chulhai Saday Son of Late Mahabir Saday Resident of Village- Marar
Mushari, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-04-2022 Heard both parties.

The petitioner seeks bail in Khajauli P.S. Case No.
128 of 2018, registered for the offence punishable under Section
364/34 of the Indian Penal Code.

As per the prosecution case, informant's son went
missing in the night of 15.07.2018. After a lot of search,
informant came to know that on 15.07.2018 in the night at 8.00
pm, petitioner along with two co-accused persons were saying
that Rajesh Sadai (son of the informant) has became hero, we
will kidnap and after committing his murder will throw dead
body in the Koshi canal. When they were talking, co-villager
Jiwachh Sah was also there. Informant suspected that all the
three accused persons killed his son and threw dead body in the
Koshi canal.



It is submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case due to village politics. The occurrence took place on 15.07.2018, but the FIR was lodged on 22.07.2018 after delay of seven days without any plausible explanation. Jiwachh Saday is a political person and elected member of the Ward of the petitioner and at the time of election petitioner protested and did not cast his vote. Similarly situated co-accused Umesh Saday has been granted bail by this Court vide order dated 18.08.2021 passed in Cr. Misc. No. 8865 of 2021. Petitioner claims clean antecedent and he is in custody since 23.04.2021. Investigation is complete.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Madhubani in connection with Khajauli P.S. Case No. 128 of 2018.

(Prabhat Kumar Singh, J)

vinita/-

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