

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17073 of 2022**

Arising Out of PS. Case No.-192 Year-2021 Thana- AANDAR District- Siwan

1. Ajay Kumar Ram @ Ajay Ram Son of Mangal Ram @ Shiv Mangal Ram Resident of Village - Gabhirar, P.s.- Raghunathpur, Distt.- Siwan.
2. Pawan Kumar Ram @ Pawan Kumar Son of Khublal Ram Resident of Village - Khedhay, P.s.- Andar, Distt.- Siwan.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Udit Narain Singh, Advocate
For the Opposite Party/s	:	Mr.Vinod Shanker Modi, APP
For the informant	:	Mr. Arbind Kumar Singh, Advocte

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner no.1 is the supplier of labourers and
the petitioner no.2 is his associate are in custody in connection
with B.P. No. 49 of 2022 arising out of Andar P.S. Case No. 192
of 2021 under section 365/34 of the Indian Penal Code.

As per the FIR, the informant has alleged that for
working in the 'Jal-Nal Scheme', the petitioner no.1 had taken
his son Sandeep Kumar where worked for 10 days. On
9.10.2021, the petitioner no.1 telephonically informed him that



his son has fled away from the working place and he does not know his whereabouts. Accordingly, apprehending something bad, this FIR was lodged.

In this case, case diary was called for on 18.7.2022 and the same has since been received.

Learned counsel for the petitioner submits that nothing incriminating has come up against the petitioners in the case diary rather the same is supporting in nature inasmuch it records statements of some individuals which show that the Sandeep Kumar had got foot injury whereafter he was taken to the doctor and upon return, he changed his clothes and thereafter left the place and the people saw him leaving the working place. He as such submits that only because the petitioners had brought the said Sandeep Kumar in good faith that he will earn some money, they became the victim of circumstances and are in jail since 20.12.2021 (as stated in para-9 of the bail application).

Considering the fact that nothing incriminating has come up against the petitioners in the case diary regarding disappearance of the informant's son, they are in custody since 20.12.2021 and the charge-sheet stands submitted, this Court is inclined to grant them the privilege of bail.



Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Siwan, in connection with Andar P.S. Case No. 192 of 2021/CIS No. 4320/21 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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