

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22977 of 2022

Arising Out of PS. Case No.-634 Year-2021 Thana- JAHANABAD District- Jehanabad

SURAJ KUMAR @ SURAJ YADAV Son of Sudama Yadav Resident of
Village - Lutphullahchak, Police Station- (Karaunna O.P.), District -
Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Alamdar Hussain, Advocate Mr. Shashi Bhushan Kumar, Advocate Mr. Syed Asgher Najmi, Advocate Mr. Alok Kumar, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Session Trial No. 110 of 2022 arising out of Jehanabad
(Karauna O.P.) P.S. Case No. 634 of 2021 for the offences under
Sections 364, 302, 201, 120(B) and 34 of the Indian Penal Code.

The informant in the FIR alleged that the accused
persons including the petitioner herein abducted his son and he
apprehended that he may be killed. Subsequently, the police
investigated the matter and arrested one Manoj Kumar, who
made confessional statement and as submitted by learned



counsel for the informant, it was on his confessional statement that the dead body of the son of the informant was recovered.

Learned counsel for the petitioner submits that it was Manoj Kumar, who gave his confessional statement whereafter the body was recovered by the police. So far as this petitioner is concerned, it has been submitted that an omnibus allegation against him and other accused person is of taking away the deceased from home. He further submits that this omnibus allegation against the petitioner seems an after thought in the backdrop of the fact that the earlier '*sanha*' that was made by the informant on 06.10.2021 stated that his son had suddenly disappeared from his house and they failed to locate it. His last submission is that the petitioner is in custody since 10.10.2021 and has no criminal antecedent.

In this case, case diary was called for on 03.08.2022 and same has since been received.

Mr. Bharat Bhushan, learned APP for the State has gone through the said case diary and has submitted that there is only confessional statement of Manoj Kumar on the basis of which the dead body was recovered and accordingly his bail application was rejected vide Cr. Misc. No. 16427 of 2022 by this Court on 14.07.2022.



Learned counsel for the informant submits that he was one of the person, who took the deceased and as such, his role cannot be ignored.

Considering the fact that it is the Manoj Kumar on whose confessional statement the dead body was recovered. So far as this petitioner is concerned, there is only omnibus allegation against him with the other accused persons of taking the informant's son, he is in custody since 10.10.2021, has clean antecedent and charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

If however, it is found that any of the statement incorporated in the bail application is/are false, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Jehanabad in connection with Sessions Trial No. 110/2022 arising out of Jehanabad (Karauna OP) P.S. Case No. 634 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member 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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