

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.372 of 2022

Arising Out of PS. Case No.-179 Year-2020 Thana- LADANIA District- Madhubani

Govind Singh, Son of Lakhan Singh, Resident of Village- Gajhara (Navtoli),
P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24770 of 2022

Arising Out of PS. Case No.-179 Year-2020 Thana- LADANIA District- Madhubani

Sarita Devi, Wife of Govind Singh, Resident of village - Navtoli Gajhara,
P.S.- Ladania, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 372 of 2022)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr.Subhash Kumar Jha, Advocate

For the State : Mrs. Anita Kumari Singh, APP

For the Informant : Ms. Sweta Kumari, Advocate

(In CRIMINAL MISCELLANEOUS No. 24770 of 2022)

For the Petitioner/s : Mrs.Kumari Shubham, Advocate

Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 06-09-2022 Pursuant to the order dated 04.08.2022, a

supplementary affidavit has been filed on behalf of the

petitioners, which is taken on record.

Since both the applications arise out of Ladaniya P.S.

Case No. 179 of 2020, as such, they have been heard together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Ladaniya P.S. Case No. 179 of 2020 registered for the alleged offences under Sections 363, 364, 120(B) and 34 of the Indian Penal Code.

As per prosecution case, the informant alleged that the petitioners along with the co-accused Ranju Devi under a conspiracy abducted the son of the informant and concealed him somewhere with intention to sell him out or kill him.

The learned senior counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The FIR has been registered after a delay of 28 days for which there is no explanation. For an occurrence which took place on 04.08.2020, the FIR has been registered on 02.09.2020. The informant is not an eye-witness and did not disclose who narrated the whole story to him. Nothing incriminating has been recovered from their conscious possession. Police did not find anything against the petitioners and only on the basis of confessional statement of the co-accused Ranju Devi, they have been arrested in this case. Though the dead body has not been recovered yet the police



added Section 302 of IPC against the petitioners and his family. The whole prosecution case is based on conjecture and surmises. There is no circumstantial evidence either against any of the petitioners. Co-accused Ranju Devi has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 28.10.2021 passed in Cr. Misc. No. 27416 of 2021. Charge-sheet has been submitted in this case. The petitioner Govind Singh is in custody since 25.09.2021 whereas the petitioner Sarita Devi is in custody since 07.02.2022, respectively. They are having clean antecedent.

Learned APP as well as learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail. Learned counsel appearing on behalf of the informant submits that the petitioners and other co-accused persons threatened the informant and his family members and have been pressurizing them for withdrawal of the case made against them. The call details record also shows the petitioner Govind Singh was in continuous touch with the co-accused Ranju Devi and tower location was found near the house of the co-accused Ranju Devi. Learned counsel for the informant further submits that the co-accused has confessed and also stated about the role of the petitioners in the whole occurrence wherein the son of the



informant was killed by them.

Perused the records.

Having regard to the submission made hereinabove and considering the non-recovery of dead body and distinct lack of substantive material against the petitioners to connect them with the alleged offences and further considering the period of custody of the petitioners along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Madhubani in connection with Ladaniya P.S. Case No. 179 of 2020 Corresponding to C.R.I. No. 1800 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be



cancelled by the court concerned.

Learned trial court is directed to expedite the trial and
conclude the same within one year.

(Arun Kumar Jha, J)

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