

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43950 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- TANDWA District- Aurangabad

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1. Mahesh Bhuiyan, Son of Ram Nandan Bhuiyan, Resident of Village Khushua Bela, P.S. Tandwa, District - Aurangabad (Bihar)
 2. Pravindra Bhuiyan, Son of Ganauri Bhuiyan, Resident of Village - Baliya (Narayanpur), P.S. Amba District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 09-03-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Aditya Narayan Singh-1, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Tandwa P.S. Case No.34 of 2021 registered for the offences punishable under Sections 364, 302 and 201/34 of the Indian Penal Code. They have no criminal antecedent and are in custody since 24.05.2021.

Learned counsel for the petitioners submits that as per the prosecution story the deceased son of the informant and the daughter of the petitioner no.1 were talking to each other and



when this came to the notice of the informant he met the father of the girl and impressed upon him to persuade his daughter not to talk to the son of the informant. Later on, the said girl was married and the son of the informant had gone to earn his livelihood at Hyderabad. It is alleged that the son of the informant had come back to his village on 25.04.2021, on 17.05.2021 he received a telephonic call from the daughter of the petitioner no.1 whereupon the son of the informant left to the said place but did not return. The informant tried to search out his son but after about six days, the dead body of the son of the informant was found at Thadiwa Pahari. The informant raised a suspicion that due to the alleged love affair between his son and daughter of petitioner no.1, the petitioner no.1 and other named accused abducted the son of the informant and committed his murder.

Learned counsel for the petitioners submits that it is a case of no evidence. There is no eye witness on the point of taking away of the son of the informant.

It is further submitted that the informant himself states that his son had received a call from the daughter of petitioner no.1 and thereupon he left for the said place, the story of the alleged abduction is only a concocted story.



Learned counsel further submits that the petitioners in this case have remained in custody since 24.05.2021, investigation against them is complete and they are ready to abide by the terms and conditions which may be imposed upon them for purpose of bail.

Mr. Aditya Narayan Singh-1, learned APP for the State has though opposed the prayer for regular bail of the petitioners, but on query made by this Court, learned APP has categorically submitted that there is no eye witness to the occurrence and in the case diary no witness has come forward to say that he had seen these petitioners in the company of the deceased at any point of time. In paragraph '31' of the case diary, it has been stated that the mobile location of the co-accused Guddu Bhuiyan was noticed in the nearby area in the same location from where the dead body was found. Save and except this, there is no witness either on the point of abduction or killing of the son of the informant.

Having regard to the submissions and the materials noticed hereinabove and upon finding that there is no eye witness to the alleged occurrence, there is no witness on the point of abduction of the son of the informant and learned APP has categorically stated that nobody has come forward to say



that the deceased was seen in the company of the petitioners at any point of time, the petitioners have no criminal antecedent and investigation against them is complete, therefore, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Tandwa P.S. Case No.34/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

