

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45180 of 2021**

Arising Out of PS. Case No.-16 Year-2021 Thana- BAHADURPUR District- Darbhanga

NAVIN KUMAR SINGH @ NAVIN SINGH S/o Late Phulgen Singh R/o
village- Andama, P.S.- Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh, Advocate. Mr. Manish Kumar No.2, Advocate.
For the Opposite Party/s :		Mr. Dr. Kumar Uday Pratap, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 31-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Bahadurpur (Fekla O.P.) P.S. Case No. 16 of 2021 for the
offence punishable under Sections 363 and 365 of the Indian
Penal Code. Later on, Sections 302 and 201 IPC were added.

The prosecution story, in brief, is that the son of the
informant had gone to attend a shardh ceremony and while he
was returning he was seen by his co-villagers namely Yogendra
Bhagat and Ramlakhan Bhagat. At about 9 PM on 07.01.2021,



he made a call on the mobile phone of his son, but the call could not be received. His son did not return in the night. Next morning, he again made a call on the mobile of his son, but the same was found to be switched off. He started searching his son, but he could not be traced out.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner has been named on the basis of confessional statement of one Chintu Singh while in custody which has no evidentiary value in the eye of law. Petitioner has got no criminal antecedent and is in custody since 20.03.2021. There is no allegation of tampering with the evidence or influencing the witnesses. Hence he be released on bail on any conditions imposed by this Court.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the rival submission of the parties as well as material which has surfaced in course of investigation, name of the petitioner has surfaced on the basis of confessional statement of co-accused Chintu Singh due to some enmity with the petitioner, however petitioner has only been shown to be member of the mob, prima facie the petitioner has made out a



case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Darbhanga in connection with Bahadurpur (Fekla O.P.) P.S. Case No. 16 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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