

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46579 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- DHAMDAHA District- Purnia

Subhesh Kumar @ Munmun @ Suvesh Kumar @ Munmun Kumar Son of
Dev Narayan Mehta Resident of Village- Damgara, P.S.- Dhamdaha, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioner and Shri
Tapeswar Sharma, learned A.P.P. for the State.

The petitioner seeks bail in connection with
Dhamdaha P.S. Case No. 10 of 2021 instituted for the offences
under Sections 364, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 20.01.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that his son (deceased) was having love affair
with Nanhi Kumari, daughter of his neighbour, Ambika Prasad
Mehta. It is further alleged that 01.12.2020, a dispute had arisen
but the same was settled at the village level, further on



10.01.2021, Ranjeet Kumar took the deceased on motorcycle towards Ramavtar Chowk where named accused persons were waiting from before and kidnapped the deceased in a four-wheeler vehicle in presence of villagers.

Learned counsel for the petitioner submits that initially the F.I.R. was instituted alleging abduction of the deceased but later the dead body of the deceased was found as such Section 302 of the I.P.C. came to be added.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R., witnesses have not named the petitioner during the course of investigation. It is also submitted that the informant has specifically name the accused persons and even if he had any suspicion against the petitioner, then the petitioner would have been named in the F.I.R. itself. Learned counsel further submits that based on CDR investigation it was found that the deceased had talked to the petitioner prior to the occurrence and the tower location of the deceased was at West Bengal. It is submitted that Puja Kumari's, (sister of the deceased) statement was recorded at paragraph '41' of the case diary wherein she stated that the petitioner prior to the occurrence was seen hovering around the house of the deceased. Learned counsel thus submits that from material



which has transpired during during the course of investigation and the allegation as alleged in the F.I.R. at best, it is a case of suspicion based on which the petitioner came to be implicated.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 20.01.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No. 10 of 2021.

(Satyavrat Verma, J)

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