

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38604 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- GORAUL District- Vaishali

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1. DEVENDRA RAM SON OF RAM CHANDRA RAM R/O VILLAGE-MANSOORPUR HALAIYA, P.S.- GORAUL (KATHARA O.P.), DISTRICT- VAISHALI
 2. CHANDAN KUMAR SON OF SURENDRA RAM R/O VILLAGE-MANSOORPUR HALAIYA, P.S.- GORAUL (KATHARA O.P.), DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State, through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Goraul P.S. Case No. 359 of 2021 registered for the offence under Sections 365 of the Indian Penal Code and later on Section 302 of I.P.C. was added.

The accused/petitioners are not named in the F.I.R., where, petitioner no.1 is in custody since 22.02.2022 and petitioner no.2 is in custody since 19.03.2022.



The allegation against the petitioners is to kidnap/abduct the son of informant along with other co-accused persons, where, son of the informant found died, subsequently.

Learned counsel appearing on behalf of the petitioners submitted that both the petitioners are falsely implicated in the present case, without any basis. It is also submitted that even the suspicion was not raised against these petitioners, rather same was raised against co-accused persons, namely, Surendra Ram, Laloo and Kundan Ram, where, co-accused, namely, Surendra Ram, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 39052 of 2022 dated 16.08.2022. It is also submitted that name of the petitioners, first time surfaced during course of supervision. It is also submitted that petitioners are man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioners are not named in FIR.

Considering the facts and circumstances as mentioned above, as save and except suspicion appears to be surfaced during course of investigation against these petitioners coupled



with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Goraul P.S. Case No. 359 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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