

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39575 of 2022

Arising Out of PS. Case No.-347 Year-2021 Thana- DEHRI TOWN District- Rohtas

Ved Prakash @ Bhola Paswan, S/o Raj Kapoor Paswan @ Raj Kapoor Pasavan, Resident of Mohalla - New Area Dehri, P.S.- Dehri (T), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Parmanand Kumar, APP
For the Informant	:	Mr. Nikhil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 14-12-2022 Heard learned senior counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

In the present case, the petitioner seeks bail in connection with Dehri (Town) P.S. Case No. 347 of 2021 registered for the alleged offences under Section 365 of the Indian Penal Code.

As per prosecution case, the son of the informant went missing and it came to the knowledge of the informant that the co-accused persons and the son of the informant were eating and drinking together prior to the son of the informant went missing. The informant also showed her suspicion regarding the



petitioner and one Raja Pandey who have threatened her son and they might have abducted him.

It has been submitted on behalf of the petitioner that the petitioner is innocent and has been falsely implicated in this case. It is clear from the F.I.R. that it was co-accused Biru Yadav who informed the mother of the petitioner regarding his son. For an occurrence dated 26.07.2021, the F.I.R. has been lodged after delay of 4-5 days on 01.07.2021 and there is no explanation for the same. The informant took a loan of Rs.1,50,000/- from the father of the petitioner and when the money was demanded back, she named the petitioner in this case. It has further been submitted that the son of the informant was not a good character and this fact has been admitted by his brothers also during the investigation. Nothing has come up during investigation to connect the petitioner with the missing son of the informant. Charge sheet has been submitted in this case and the petitioner is in custody since 22.02.2022. Similarly placed co-accused Bhola Ram has been granted bail by this Court vide order dated 30.11.2022 passed in Cr. Misc. No. 5331 of 2022. The other co-accused persons have also been granted bail by this Court vide order dated 19.10.2022 passed in Cr. Misc. No. 2042 of 2022 and its analogous case.



Learned A.P.P. for the State as well as learned counsel appearing on behalf of the informant oppose the prayer for bail of the petitioner submitting that the son of the informant has not been recovered and is still traceless. The petitioner is having one criminal antecedent.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there appears hardly any material on record to show the connection or proximity of the petitioner with the offence as alleged and further considering his period of custody along with submission of charge sheet against him, the petitioner above-named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas in connection with Dehri (Town) P.S. Case No. 347 of 2021, 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 petitioner.
- (ii) The petitioner 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
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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