

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50123 of 2021**

Arising Out of PS. Case No.-233 Year-2020 Thana- BHAGWANPUR District- Begusarai

Prince Raj @ Mangal Son Of Sikandar Rai @ Sikandar Ray Resident Of
Village - Pasopur, P.S.- Bhagwanpur, District - Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 21-02-2022 A counter-affidavit has been filed on behalf of the

State, is kept on the record.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Bhagwanpur P. S. Case No.233 of 2020, instituted for the
offences under Section 364/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 16.03.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the informant (Rubi Devi) alleges that her son Shivam
Kumar @ Chhotu was called by the named accused persons



including the petitioner and he left the house, but did not return back to home. Hence, based on suspicion, she alleges that the accused persons might have kidnapped her son and her son would be murdered by the accused persons.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case merely based on suspicion. Even, during the course of investigation, no material has come based on which, it can be even remotely suggested that the petitioner was involved in the occurrence except the fact that he along with other named accused persons had called the son of the informant from home.

Learned A.P.P. in compliance of the order dated 17.02.2022 files a counter-affidavit. From perusal of which also, it manifests that there is nothing in the counter-affidavit which suggests the involvement of the present petitioner and at the same time, Annexure-A to the counter-affidavit records that the deceased had antecedents and he was absconding.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and except for suspicion in the F.I.R., nothing, even during the course of investigation, has come which connects the petitioner with the offence, the petitioner,



above-named, is directed to be released on bail on his furnishing
bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand)
with two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Begusarai in connection with
Bhagwanpur P. S. Case No.233 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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