

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54816 of 2021

Arising Out of PS. Case No.-236 Year-2017 Thana- BEUR District- Patna

Manoj Kumar @ Manoj Yadav, Son of Rajdev Singh, Resident of Village-
Dumari, P.S. - Dulhin Bazar, District- Patna. ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan, Advocate
		Mrs. Usha Kumari Singh, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Sanjiv Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-05-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the Informant.

The petitioner seeks regular bail, who is in custody in connection with Beur P.S. Case No. 236 of 2017 (S.T. No. 421 of 2020) for the offences punishable under Sections 363/365 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code has been added.

As per prosecution case, it is alleged that the son of the informant, who studied in B.A. Part-II in Masaurhi College went out from the house on 17.09.2017 after stating his father (informant) that he is going to Parsa, but he never returned back. It is also alleged that the son of the informant had one mobile, which was found to be switched off.



It is submitted on behalf of the learned counsel for the petitioner that though the victim boy left his house and found missing on 17.09.2017, but the F.I.R. has been instituted on 21.09.2017. Further, the name of the petitioner transpired for the first time on 05.04.2020 after 2½ years of the occurrence, when the informant in his further statement has stated that the accused Asha Devi and her husband (petitioner) by hatching a conspiracy kidnapped his son and killed. It is further submitted that during the course of investigating, the investigating officer obtained the CDR of the mobile phone, which was being used by the victim boy and from that it has been found that the victim had continuous talk with two of the ladies. It has also come that the deceased had illicit relationship with Asha Devi, who is said to be the wife of this petitioner and due to which he might have been killed by this petitioner and his wife. It is next submitted that the number on which the victim boy used to talk was in the name of one Sunita Devi and not in the name of the wife of the petitioner. It is also submitted that though the confessional statement of the petitioner has been recorded by the police, which has no evidentiary value, inasmuch as on the basis of the said confession no recovery has been made. Lastly, it has been submitted that the petitioner is in custody since 29.09.2020 and



the investigation has already been concluded and charge-sheet has also been submitted in this case.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that during the course of investigation materials have come which suggest the complicity of this petitioner in the involvement of this crime.

Learned APP for the State also opposes the bail application of this petitioner and submits that the wife of this petitioner had illicit relationship with the victim boy and this petitioner has confessed that he along with his wife killed the victim boy and thrown the dead body in Punpun river.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that with regard to an occurrence which has taken place on 17.09.2017, the F.I.R. has been instituted on 21.09.2017 and the name of the petitioner has been transpired first time after 2½ years of the occurrence in the further statement of the informant, who made allegation of kidnapping and killing of his son against the petitioner. Having gone through the case diary, this Court finds that except the suspicion, there is no material to suggest the complicity of this petitioner in the present crime, inasmuch as the victim is still not



found either dead or alive, apart from the fact that this petitioner having no criminal antecedent and is in custody since 29.09.2020 and moreover the investigation has already been concluded and charge-sheet has also been submitted in this case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXV, Patna in connection with Beur P.S. Case No. 236 of 2017 (S.T. No. 421 of 2020) subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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