

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49570 of 2022

Arising Out of PS. Case No.-295 Year-2020 Thana- SARAI District- Vaishali

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Gullu Singh @ Santosh Singh Son of Krishnakant Singh Resident of Village -
Husena Raghav, P.S.- Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shantanu Kumar, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sarai P.S. Case No. 295 of 2020 lodged under Sections 363,
365, 302, 120B/34 of the I.P.C.

As per the prosecution case, the allegation of
informant is that his brother who was sleeping in the night, he
talked with somebody on mobile and went outside. Till next
morning, he did not return. Upon search, no trace of his brother
was made. Suspicion has been raised by the informant that
marriage of his brother was to be solemnized on 12.12.2020 and
he has apprehension that some unknown persons have

kidnapped his brother. With this allegation, this F.I.R. has been lodged on 09.12.2020.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that with this complain, the *sanha* has been lodged but subsequently, the dead body of the brother of the informant was recovered and upon seeing the dead body, it transpires that assault was made on his body. Learned counsel submits that thereafter the informant has named 5 named persons as accused in this case in which one is the son-in-law of Suresh Thakur whose name not known, was also made accused. Learned counsel submits that police has arrested him only under wrong impression that he is son-in-law of the Suresh Thakur whereas the actual provision is otherwise his elder brother is son-in-law of Suresh Thakur. Learned counsel for the petitioner has annexed a certificate of *Mukhiya* and also the villagers application and submitted before the Superintendent of Police that he is not the son-in-law of the Suresh Thakur rather Saroj Kumar is son-in-law of the Suresh Thakur. Learned counsel further submits that on merit, the other named co-accused persons have been granted bail by the Co-ordinate Bench of this Court in Annexure- 5 series. Learned counsel submits that

petitioner is in custody since 27.05.2022 having clean antecedent. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sarai P.S. Case No. 295 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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