

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64595 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- GHOSI District- Jehanabad

Surendra Kumar S/O Vijay Prasad Yadav R/O Village- Nurpur, P.S.- Ghoshi,
District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ghoshi P.S. Case No. 38 of 2021 registered for the alleged offences under Sections 363 and 365 of the Indian Penal Code and later on Sections 302, 201 and 120(B) of the Indian Penal Code were added.

As per prosecution case, the son of informant went out with the petitioner and one unknown person. Later on his jacket and shoes were recovered, but dead body was not recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Except for the statement of informant, nothing came out against this petitioner. It is also apparent from the FIR that the petitioner and one other person, who has not been named in the FIR, were the friends of the son of informant and he willingly went with them and it is not a case of abduction. Except for the confessional statement of the petitioner, there is nothing against the petitioner and he has been named in this case only on suspicion. Though on the basis of confessional statement of co-accused Pappu Kumar, shoes and jacket of the victim with bloodstains were recovered from forest but his dead body was not recovered and merely on presumption, it has been alleged that victim has been murdered. There is no eye witness to the alleged occurrence and no material has been recovered at the instance of this petitioner. The petitioner is stated to be last seen with the victim but no explanation is forthcoming for delay of 4 days in lodging the FIR. The petitioner is in custody since 17.03.2021. Charge-sheet has been submitted.

Learned APP has opposed the submission made on behalf of the petitioner submitting that in the confessional statement of co-accused, the petitioner has been named who stated that he killed the son of the informant. However learned counsel concedes that the dead body has not been recovered.

Perused the records.



Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of material showing the connection of the petitioner with the occurrence as alleged and also the period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghoshi P.S. Case No. 38 of 2021, subject to 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 for 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)

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