

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65631 of 2021

Arising Out of PS. Case No.-172 Year-2012 Thana- GARDANIBAG District- Patna

SHYAM ROY @ SHYAM YADAV S/O LATE RAM SIHASAN RAY R/o
Village- Kajichak, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surj Bansh Roy, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 31.07.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that on 20.12.2011, his son Ramjee Kumar had performed court marriage with Soni Kumari and thereafter was living as tenant in the house of Ram Ashish Thakur. It is further alleged that on 17.05.2012, when informant's wife went to the house of his son to give milk then Soni Kumari informed



that her brother Vijay, Munna, Jayaprakash and wife of her cousins Buddhan and Vijay called her and asked her to come as her mother Shanti Devi is ill, thereafter informant's son left on motorcycle of his friend Manoj and since then is traceless. Further the informant alleges that during course of search, he came to know that his son with his wife had left for her matrimonial house but till date both are traceless thus alleges that his son and daughter-in-law have been abducted under a conspiracy and might have been killed.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case, it is further submitted that there is a specific allegation against Vijay, Munna Jaiprakash and wife of Buddhan and further the informant has not even raised any suspicion against the present petitioner who is brother of the wife of the deceased. Learned counsel further submits that Savita Devi, sister-in-law (bhabhi) of Soni Kumari has been granted bail by order dated 16.04.2013 passed in Cr. Misc. No. 49100 of 2012. It is submitted that though the case is of the year 2012 but since he was not aware of the case as such he could not surrender. Learned counsel submits that the name of the petitioner transpired in the confessional statement of accused Jayaprakash.



Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted in the case, is not named in the F.I.R. and co-accused has been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gardanibag P.S. Case No. 172 of 2012.

(Satyavrat Verma, J)

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