

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65903 of 2021

Arising Out of PS. Case No.-103 Year-2020 Thana- ANGARGHAT District- Samastipur

SUBODH SINGH @ SUBODH PRASAD @ SUBODH PRASAD SINGH
SON OF RAMDEV SINGH RESIDENT OF VILLAGE BHUSARI, PS -
SAMASTIPUR MOFUSSIL DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Kumar Singh

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 20-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Angarghat P.S. Case No. 103 of 2020 initially registered for the
offences punishable under Sections 363, 365, 34 of the Indian
Penal Code and later on, Sections 364, 302, 201, 120(B) of the
IPC were added.

As per prosecution case, on 18.12.2019 at about
8:00 PM, co-accused Sudhanshu Singh @ Sharma Ji and other
came to the house of informant and took away his son for the
purpose of meeting with the present petitioner. It is further



alleged that at around 10:00 PM, when the informant called his son Prem Kumar, he could not be contacted as his mobile was switched off. After that co-accused Sudhanshu was called and enquired about informant's son but he said that he had dropped informant's son at Rewari Dhala Chowk at around 10:00 PM in the same night. Thereafter mobile of Sudhanshu was switched off. When the informant and other went to the house of co-accused Sudhanshu and enquired from his father, his father (petitioner) abused the informant and other and also threatened to oust them from his house.

Learned counsel for the petitioner submits that petitioner is in custody since 25.12.2020 and bears one criminal antecedent in which he has been acquitted. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that from perusal of the FIR it appears that there is no specific allegation against the petitioner. Only allegation against the petitioner is that he abused the informant and other and also drove them out. There is no cogent material that petitioner was involved in the offence as alleged. There is no cogent material to show that the petitioner was involved in kidnapping or murder. Petitioner has been made accused on mere suspicion. He further



submits that as per FIR, no motive is attributed to the present petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 learned Additional Sessions Judge-XII, Samastipur in connection with Angarghat P.S. Case No. 103 of 2020 corresponding to Sessions Trial No. 122 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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