

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68357 of 2021**

Arising Out of PS. Case No.-429 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

PAPPU KUMAR SAH @ SANJAY Son of Parshuram Sah Resident of
Village - Srinagar, P.S.- Siwan Mufassil, District - Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 05-05-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Siwan Mufassil P.S. Case No. 429 of 2020, registered for the offence punishable under Sections 302, 201, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the informant's son, namely, Ranjit Kumar Yadav, having been murdered by the accused persons including the petitioner herein. It is alleged that on 3.9.2020, the son of the informant was taken by the petitioner and one co-accused person, namely,



Umesh Kumar Yadav, however, the son of the informant never returned back to his house and subsequently, a video clip is stated to have been made viral from which it transpired that the son of the informant had been murdered by the accused persons including the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 9.10.2020. The learned counsel for the petitioner has further submitted that there is no eye-witness to the alleged occurrence, apart from the fact that no video clip has ever been either recovered or made part of the investigation conducted by the police and merely on suspicion, the petitioner has been made an accused in the present case. Lastly, it is submitted that similarly situated co-accused person, namely, Umesh Yadav, has already been granted bail by a coordinate Bench of this Court vide order dated 27.1.2022 passed in Criminal



Miscellaneous No. 25268 of 2021. The learned counsel for the petitioner has referred to the said order dated 27.1.2022 to submit that a coordinate Bench of this Court, upon examination of facts and circumstances, has found the last seen theory to be doubtful at this stage.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the alleged video clip has been recovered till date nor the dead body of the son of the informant has been recovered, as has been submitted by the learned counsel for the petitioner apart from the fact the petitioner is having a clean antecedent, he is languishing in custody since about 19 months and moreover similarly situated co-accused person has already



been granted bail by a coordinate Bench of this Court vide order dated 27.1.2022 passed in Criminal Miscellaneous No. 25268 of 2021, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1-cum-Special Court, Siwan in connection with Siwan Mufassil P.S. Case No. 429 of 2020.

(Mohit Kumar Shah, J)

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