

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.655 of 2022

Arising Out of PS. Case No.-320 Year-2021 Thana- HARSIDHI District- East Champaran

Amrendra Kumar Son of Paras Singh Resident of Village - Siswan, P.S. -
Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Harsidhi
P.S. Case No. 320 of 2021 registered for the offence under
Sections 364 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.08.2021.

The allegation against the petitioner is to kidnap the
son of the informant, who subsequently, found dead.

Learned counsel appearing on behalf of the petitioner
submitted that, admittedly, informant is not the eye witness of
the occurrence, as per F.I.R., basis of allegation is mere



suspicion. It is submitted that a *sanha* was lodged by the informant before learned Chief Judicial Magistrate, West Champaran, Motihari on 25.07.2021, which is also appearing integral part of the present F.I.R, nowhere suggesting that informant was under apprehension against the petitioner. It is further submitted that petitioner and deceased/son of the informant were friends and, therefore, recovery of private documents of the deceased like press ID etc., is very normal, as they spend a reasonable time together in connection with their official work. While travelling over the argument, it is submitted that, if the version of F.I.R. is accepted true on its face, then certainly, the last destination of the deceased was the house of the co-accused, namely, Jai Prakash, from where the motorcycle was recovered. It is further submitted that as per F.I.R., the deceased was last seen with the petitioner in a crowded public place like fair, as per electronic evidence like CCTV footage but chargesheet has been submitted in this case without obtaining the mandatory certificate, as per Section 65B of the Indian Evidence Act. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with



the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as except suspicion, nothing incriminating surfaced during the course of investigation, which may connect the petitioner with the present set of occurrence coupled with the fact that chargesheet has been submitted without obtaining the mandatory certificate regarding CCTV footage, let the petitioner, above named, is directed to be released on bail in connection with Harsidhi P.S. Case No. 320 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari/concerned Court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Ravindr Prasad, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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