

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15578 of 2023

Arising Out of PS. Case No.-437 Year-2018 Thana- PHULWARISHARIF District- Patna

Santosh Rai Son of Vijendra Ray Resident of Gram- Lodhipur, P.S.- Janipur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shadab Akhter

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 364, 120(B)/34 of the Indian Penal Code.

As per prosecution case, the allegation against the four F.I.R. named accused persons including the petitioner is that they have kidnapped the son of the informant namely Sushil Rai with intention of his murder in money matter, who not traced out as yet.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case merely on the basis of suspicion. There is no eye witness of the alleged occurrence. During investigation, no any consistent evidence has come against the petitioner to show his complicity in the present occurrence. No



any incriminating article has been recovered from the conscious possession of the petitioner. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The alleged motorcycle of the victim has been recovered from the co-accused Ravindra Rai, who has already been enlarged on bail by another coordinate Bench of this Court vide order dated 24.07.2019 passed in Cr. Misc. No.45566 of 2019. Moreover, the petitioner is languishing in judicial custody since 14.07.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Phulwarisharif P.S. Case No. 437 of 2018 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 Additional District and Sessions Judge-XIII, Patna Sadar, Patna.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

