

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19664 of 2023

Arising Out of PS. Case No.-219 Year-2020 Thana- MUNGER MUFFASIL District- Munger

1. Dharamveer Kumar @ Dhano Sah Son of Surrendra Sah @ Suresh Sah
Resident of Village - Chandra Tola, Taufir, P.S.- Muffasil, District - Munger.
2. Surrendra Mandal @ Suren Mandal Son of Brahmdo Mandal Resident of
Village - Chain Tola, Pirpahar, P.S.- Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Manoj Kumar Jha, learned counsel for the
petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection
with Muffasil P.S. Case No. 219 of 2020 registered for the
offence punishable under Section 364 of the Indian Penal Code.

It is alleged that on 09.06.2020, the son of the
informant aged about 13 years had gone to play outside,
however, he did not return. Thereafter, a search was made by the
informant but could not succeed. The informant raised suspicion
against all the FIR named accused persons including the
petitioners with an allegation that they might have killed his son
as there was previous enmity with them.



Learned counsel for the petitioners submits that admittedly the son of the informant went missing on 09.06.2020 but the present FIR has been instituted on 15.09.2020 after a delay of more than three months. He further submits that save and except suspicion, there is no material suggesting the complicity of the petitioners. Moreover, during the course of investigation, the witnesses have categorically stated that the accused persons and the petitioners have been falsely implicated in this case. Considering the aforesaid submission, one of the co-accused, namely, Gulten Mandal, has been allowed the privilege of anticipatory bail by the learned Co-ordinate Bench of this Court vide order dated 09.02.2023 passed in Cr. Misc. No. 11728 of 2022. He next submits that even during the course of investigation, the S.D.P.O., Munger has directed to submit Final Form in favour of the petitioners considering their false implication. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperated in the investigation and will not indulge in intimidating the witnesses or tampering with the evidence.

On the other hand, learned counsel for the State opposes the bail application.

Regard being had to the submissions made on behalf



of the parties and considering the prolonged delay in lodging the FIR and the fact that similarly situated co-accused person has been allowed the privilege of anticipatory bail, coupled with the fair antecedent of the petitioners and the fact that the case is based on suspicion, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Munger in connection with Muffasil P.S. Case No. 219 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

rohit/-

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

