

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31247 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- MALSALAMI District- Patna

Monu Kumar Son of Late Ranjeet Prasad Yadav @ Ranjeet Prasad Resident
of Village- Tathagat Nagar (Sahdara) Nakati Ke Pool, P.S.- Malsalami, Distt-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-06-2023 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
Malsalami P.S. Case No. 165 of 2022 registered for the offence
under Sections 363, 365/34 of the Indian Penal Code in which
subsequently Sections 302, 201, 120(B) of the Indian Penal
Code were also added.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.01.2023.

The allegation against this petitioner is to kidnap son
of informant aged about 19 years alongwith named co-accused



persons and subsequently committed his murder.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced during the course of investigation on the basis of confessional statement of named co-accused Tufani @ Amit Kumar, where in furtherance of absolutely nothing incriminating material recovered/surfaced to connect petitioner with present occurrence of kidnapping and murder. It is submitted that similarly situated co-accused, namely, Prince Thathera has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 5053 of 2023 vide order dated 20.06.2023. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except confessional statement nothing incriminating material surfaced against this petitioner during the course of investigation, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since



15.01.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Malsalami P.S. Case No. 165 of 2022 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 Chief Judicial Magistrate-IV, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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