

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30767 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

1. Mithilesh Kumar @ Mithilesh Kumar Singh Son Of Satyendra Singh R/O-Tetariya, P.S. Udwanthnagar, District-Bhojpur.
2. Deepak Kumar @ Deppak Kumar Singh Son Of Satyendra Singh R/O-Tetariya, P.S. Udwanthnagar, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 31.03.2023 in connection with Udwanthnagar P.S. Case No. 154 of 2022, F.I.R. dated 17.04.2022 for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

3. According to prosecution case, it is a case of abduction of the niece of the informant by all the F.I.R. named accused persons including these petitioners.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence alleged in the F.I.R. He further submits that there is admitted land dispute between the parties and the father of these petitioners have filed Title Suit No.265 of 2021 before the competent court in which the victim's father and other family members have made as defendants. He further submits that except the suspicion no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that it has come during investigation that the co-accused namely, Shobha Devi has confessed and she has stated that the petitioners were involved in the present occurrence.

5. Learned counsel for the petitioner further submits that without the dead body of the victim the prosecution has filed the charge sheet under Section 302 of I.P.C. against these petitioners. He further submits that similarly situated, co-accused, namely, Shobha Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 17.01.2023 passed in Cr. Misc. No. 39303 of 2022. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 31.03.2023.



6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Udwanthnagar P.S. Case No. 154 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the



petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

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

