

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31856 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- SITAMARHI District- Sitamarhi

Sudhir Kumar, S/o Rajesh Bhagat, R/o Village- Vishnupur, P.S- Bela, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2023 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 Sitamarhi
P.S. Case No. 21 of 2023 registered for the offence under
Section 365 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 12.02.2023.

The allegation against the petitioner is to kidnap the
son of informant, aged about 21 years alongwith other named
co-accused persons and commit his murder thereafter.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner was not named in FIR, where his



name surfaced during the course of investigation only. It is submitted that the implication of this petitioner is on the basis of circumstantial evidence, which is limited to talk with named co-accused, namely, Ahmad Ansari over his mobile phone between 25.12.2022 to 31.12.2022. It is submitted that out of said circumstantial evidence only having otherwise no incriminating value, petitioner was apprehended in this case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and, moreover, investigation of this case is completed, for which charge-sheet has been 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 mobile conversation with main co-accused, namely, Ahmad Ansari, no incriminating material surfaced/recovered during the course of investigation which may incriminate petitioner *prima facie* with the present occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 12.02.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Sitamarhi P.S. Case No. 21 of 2023 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, Sitamarhi/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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