

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32894 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- HUSSAINGANJ District- Siwan

RAJU THAKUR Son of Late Aatma Thakur Resident of village - Rasidchak
near Shiv Mandir, P.S. - Hussainganj, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Hussainganj P.S. Case No. 46 of 2022 registered for the offences
under sections 365 and 34 of the Indian Penal Code
subsequently section 302 of the IPC was added 01.09.2021
lodged on 25.02.2022 by the informant, Sachidanand Pandey.

The prosecution story, in brief, is that present FIR has
been lodged on the basis of written application of the informant
wherein it has been mentioned that on 14.02.2022 his son
Ashutosh Kumar Pandey had taken Rs. 70,000/- for doing the
business of Potato and onion, which was known to his closed
friends Nilmani @ Pintu Singh, Sidh Pandey, Raju Thakur
(Petitioner) and 2-3 others. It has been alleged that all the



above-mentioned persons had taken son of the informant. When son of the informant did not return till late night then informant called on his Mobile No. 7782857196 but the mobile was switched off and he is traceless. The informant suspected that the accused persons along with others might have snatched the amount and mobile and thereafter sold it or might have concealed for the purpose of getting his land registered or might have killed and disappeared the dead body. Accordingly, the FIR.

Learned Counsel for the petitioner submits that only on the basis of suspicion that they being the close friends, the present FIR has been lodged.

It is his further submission that at best it is a case of last seen, the further submission is that he is in custody since 17.04.2022 (as stated in paragraph 13 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the aforesaid facts as also that he do not have criminal antecedent, is in custody since 17.04.2022 and one of the similarly situated co-accused, Nilmani Singh @ Pintu Singh has since been granted bail in Cr. Misc. No. 54835 of 2022 vide order dated 17.01.2023 by a co-ordinate bench,



this Court is also inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned ADJ-VII, Siwan in connection with Sessions Trial No. 476 of 2022 arising out of Hussainganj P.S. Case No. 46 of 2022, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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