

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32249 of 2022

Arising Out of PS. Case No.-179 Year-2020 Thana- LADANIA District- Madhubani

Prakash Singh @ Prince Kumar, aged about 23years, Male, S/o Mukti Lal
Mahto R/o Village- Khoir Ramni Pati, P.S.- Babubarhi, District- Madhubani
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Ladaniya P.S.
Case No. 179 of 2020 registered for the offence punishable under
Section 363/34 ,364/120(B) and 302 of the Indian Penal Code (for
brevity 'IPC').

As per prosecution case, the informant alleged that the
petitioner along with the co-accused Ranju Devi under a conspiracy
abducted the son of the informant and concealed him somewhere
with intention to sell him or kill him.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.
The First Information Report (for brevity 'F.I.R.') has been registered
after a delay of 28 days for which there is no explanation. For an
occurrence which took place on 04.08.2020, the FIR has been
registered on 02.09.2020. The informant is not an eye-witness and
did not disclose who narrated the whole story to him. Nothing
incriminating has been recovered from his conscious possession.
Police did not find anything against the petitioner and only on the
basis of confessional statement of the co-accused Ranju Devi, he has
been arrested in this case. Though the dead body has not been



recovered yet the police added Section 302 of IPC against the petitioner and his family. The whole prosecution case is based on conjecture and surmises. There is no circumstantial evidence against petitioner. Co-accused Ranju Devi has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 28.10.2021 passed in Cr. Misc No. 27416 of 2021. Charge-sheet has been submitted in this case. The petitioner is in custody since 28.03.2022.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, material in the investigation, period of custody, this Court for the purposes of grant of bial, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner,above named be released on bial on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st, Class, Madhubani, in connection with Ladaniya P.S. Case No. 179/2020, subject to the following conditions.

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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