

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34659 of 2023

Arising Out of PS. Case No.-42 Year-2021 Thana- SISWAN District- Siwan

Abhishek Singh son of Sanjay singh village- Baghauna Ps- Siswan Dist-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Siswan P.S. Case No. 42 of 2021 dated 08.02.2021, instituted for the offence punishable under Sections 363 of the Indian Penal Code and later on 364, 201, 120(B), 302 of the Indian Penal Code was added.

3. The prosecution case, in short, is that since 08.02.2021 at about 10.00 A.M., the informant's son aged about 5 years has gone missing and could not be found on search. The informant feared that some untoward incident might have been happened with his son.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. During investigation, only on the basis of suspicion, 7 persons have been made accused in this case. Learned counsel for the petitioner submits that one of the suspected accused, namely, Khagendra Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.07.2022 passed in Criminal Miscellaneous No. 39118 of 2021. Learned counsel for the petitioner submits that case of the petitioner is same to Khagendra Singh. Learned counsel for the petitioner submits that during the investigation, nothing has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that the falsity of the present case is more evident from the fact that post-mortem of the deceased was conducted on 10.02.2021 by a medical board and the doctor found time elapsed since death to be 6 to 24 hours. Learned counsel for the petitioner submits that it appears that when the dead body of the deceased was recovered, under some political conspiracy the informant and some others have tried to raise a vague suspicion. Learned counsel for the petitioner further submits that there is no legal material which connects the petitioner to the crime. Lastly, it has been submitted that the petitioner is in custody since 20.01.2023 having one criminal



case. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st class, Siwan, in Siswan P.S. Case No. 42 of 2021.

(Khatim Reza, J)

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