

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40158 of 2023

Arising Out of PS. Case No.-208 Year-2021 Thana- SULTANGANJ District- Patna

Dipu Kumar Son of Late Budhan Saw @ Madhun Saw @ Mudhan Saw R/O-
Bahadurpur Jhoparpatti Ps- Bahadurpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 05.02.2023 in connection with Sultanganj P.S. Case No. 208 of 2021 for the offence punishable under Sections 302/34 of I.P.C lodged on 08.8.2021 by the informant, Parwati Devi.

The prosecution story, in brief, that on the basis of the written report given by the informant Parwati Devi, before Officer-in-charge of Sultanganj police station, Sultanganj P.S Case No.- 208/2021 was registered against 3 accused persons, including the petitioner. The informant alleged in her F.I.R that on 8-8-2021, her son Bhola Kumar aged about 18 years were taken by his 3 friends including the petitioner.

The informant further, alleged in her F.I.R, that on interrogation, the accused persons did not say any things



regarding her son. The informant further alleged that when she came to Sultanganj police station, then she got knowledge that the dead body of a man was found sank which was sent to NMCH for postmortem.

The informant further alleged that thereafter she went to NMCH, and found the dead body of her son which was sent for the postmortem. Then she raised suspicion upon the petitioner and others.

It has been contended by the learned counsel for the petitioner that the accused person including the deceased who is a young boy and the only allegation is that they had taken the son of the informant.

Subsequently, as his body which was thrown was recovered and sent the same to NMCH for post-mortem. The informant raised suspicion about their implication. They have nothing to do with the same and have already suffered by being in custody since 05.02.2023.

Learned APP opposes the prayer saying that they were the last person and had taken the deceased.

Considering the aforesaid submission put forward by the learned counsel for the petitioner, there is no eye witness to the occurrence, the boy was found drown, the only allegation



is that there were last seen with the victim and is in custody since 05.02.2023, this Court is inclined to extend him the privilege of bail with conditions.

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 learned S.D.J.M, Patna City in connection with Sultanganj P.S. Case No. 208 of 2021 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 fortnight for next six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/jyoti/-

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