

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44225 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- TEGHRHA District- Begusarai

Ranjit Singh, Son of Ram Padarath Singh, R/O Village- Dularpur Naya Nagar,
P.S.- Teghra, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Sabal Kumar Jha, Advocate
For the State	:	Mr.Amitesh Kumar, APP
For the Informant	:	Mr. Raj Kumar, Advocate
		Mr. Sarvottam Kumar, Advocate
		Mr. Rajnish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

In the present case, the petitioner seeks bail in connection with Teghra P.S. Case No. 94 of 2022 registered for the alleged offences under Sections 364/34 of the Indian Penal Code. However, charge sheet has been submitted for the offences under Sections 364, 302/34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons, who were variously armed, came and abducted two sons of the informant. Later on, one of the sons of the informant returned after he was let out by the petitioner and other co-accused persons.



The learned counsel for the petitioner submits that the petitioner is innocent and falsely implicated in this case. The information to the police was given by one Deepak and not by the driver of the informant as stated in his written report. One of his abducted sons, namely, Chhotu Rai, was released by his abductors, but he did not name this petitioner as one of his abductors. The informant and the petitioner are next door neighbours and there is land dispute between them. Except for Chhotu Rai, there is no eye witness in this case. It is further submitted that co-accused Ram Niwas Chaudhary has purchased a plot of land measuring 22 katha from the agnate of the informant and the informant has been claiming title over the said land and the mutation case is pending between the informant and co-accused Ram Niwas Chaudhary. Learned counsel further submits that during investigation, a skeleton was recovered which was claimed to be of the son of the informant. The petitioner is in custody since 23.04.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP assisted by learned counsel for the informant vehemently opposes the submissions made on behalf of the petitioner. It is submitted on behalf of the prosecution that



the petitioner is having criminal antecedent being Teghra P.S. Case No. 377 of 2014. It is further submitted on behalf of the prosecution that the witnesses examined during investigation have supported the prosecution case.

The learned counsel for the informant submits that the petitioner is the own nephew (son of the brother) of co-accused Ram Niwas Chaudhary and he has been named as such by the victim Chhotu Rai. It is further submitted by the learned counsel for the informant that there are only two nephews of Ram Niwas Chaudhary.

However, learned APP concedes that the informant refused to give DNA sample to the police to match it with the skeleton which was recovered but it was claimed to be of the son the informant.

Perused the records.

Having regard to the submissions made on behalf of the parties and considering the fact that the victim has not specifically named this petitioner as one of his abductors and further considering lack of eye witness account and also considering the uncertainty over the identification of the skeleton, submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be



released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 94 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

However, before accepting the bail bonds of the petitioner, the learned trial court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner has concealed his criminal antecedent, his bail bonds would not be accepted.

(Arun Kumar Jha, J)

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