

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57770 of 2023

Arising Out of PS. Case No.-545 Year-2022 Thana- MAHUA District- Vaishali

1. Kailash Singh S/O Late Ramchandra Singh Resident Of Village- Fatehpur Pakari @ Fatehpur Pakri, P.S- Mahua, Distt.- Vaishali.
2. Chandan Kumar S/O Kailash Singh Resident Of Village- Fatehpur Pakari @ Fatehpur Pakri, P.S- Mahua, Distt.- Vaishali.
3. Kundan Kumar @ Kundan S/O Kailash Singh Resident Of Village- Fatehpur Pakari @ Fatehpur Pakri, P.S- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in connection with Mahua P.S. Case No. 545 of 2022 registered under sections 341, 342, 323, 363, 364, 498(A), 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the D.P. Act but charge-sheet has been submitted under Sections 341, 342, 323, 498(A), 364, 120(B), 302, 504 and 506 of the IPC.

It is case of abduction of the informant's sister by the petitioners along with some other co-accused persons and later on her dead body has been recovered from the river. The reason



behind this as alleged occurrence is said to be dowry demand from the informant's sister by the petitioners along with her husband.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. The petitioners are in-laws of the deceased due to which they have falsely been implicated in this case. There is no prior complaint in respect of dowry demand, torture and harassment. They have no concern with the mess and business of the deceased and also they lived separately from them. It is further submitted from para-14 of this petition that petitioners and co-accused Shamkali Devi filed petition for grant of anticipatory bail application before this Hon'ble Court vide Cr. Misc. No. 17656/2023 in which the S.P., Vaishali is directed to file show cause as under what circumstances, the victim girl has not been recovered till date. It is also submitted that the husband of the informant is already languishing in judicial custody. Further, from para-16 of this petition, it has been alleged by the police that petitioners were arrested from Ayodhya but their confessional statements were not recorded there rather the petitioners are languishing in judicial custody since 29.05.2023 but surprisingly, the so-called confessional statements have been recorded on 01.06.2023



which seems doubtful and also no evidentiary value in the eye of law of the so-called confessional statements of the petitioners along with other co-accused. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, they are languishing in judicial custody since 29.05.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Mahua P.S. Case No. 545 of 2022 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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