

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71776 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- PIPRAHI District- Sheohar

1. Bikau @ Md. Bikau S/O Amir Mian Resident of Village- Islampur, P.S.- Riga District- Sitamarhi.
2. Md. Sofaid S/O Allaudin Ansari @ Alladin Ansari Resident of Village- Islampur, P.S.- Riga District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
	:	Mr. Virendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Dharmesh Kumar Srivastava, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-06-2023 Heard learned counsel appearing on behalf of the

petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Piprahi
P.S. Case No. 108 of 2022/ S Tr. No. 135/2022 registered for the
offence under Sections 363 and 302 of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R.
and are in custody since 31.05.2022.

The allegation against the petitioners is to kidnap and
commit murder of son of informant along with other co-accused
persons due to previous money disputes.



Learned counsel appearing on behalf of the petitioners submitted that petitioners were falsely implicated with present case out of suspicions only as no incriminating material appears to be surfaced during the course of investigation which may connect petitioner, *prima facie*, with present occurrence. It is submitted that the name of petitioners surfaced on the basis of confessional statement of co-accused namely, Chandeshwar Mahto, where in furtherance of no incriminating material recovered/surfaced to connect, *prima facie*, with the occurrence. It is submitted that save and except certain call details report and tower location, nothing surfaced against these petitioners. It is pointed out that similarly situated co-accused person namely, Mukesh Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 59398 of 2022 vide order dated 15.03.2023. While concluding the argument, it has been submitted that both petitioners found involved in one more case, where they are on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel, Mr. Dharmesh Kumar Srivastava appearing on behalf of the



informant while opposing the prayer of bail submitted that call details report and tower location of petitioners suggest, *prima facie*, their involvement in present occurrence.

Considering the facts and circumstances as mentioned above, as save and except confessional statement, no incriminating material appears to be surfaced during the course of investigation to connect petitioners, *prima facie*, with the present occurrence coupled with the fact that charge-sheet has been submitted, accordingly both the petitioners, above named, are directed to be released on bail in connection with Piprahi P.S. Case No. 108 of 2022/S Tr. No. 135 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge, Sheohar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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