

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51605 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- KALUAHI District- Madhubani

Santosh Kumar Verma S/o Ram Bilas Verma @ Ram Vilash R/V Nidhasan
P.S. Nighasan Dist Lakhimpur Khiri (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kaluwahi P.S. Case No. 245 of 2023,
registered for the offence punishable under Sections 365, 504
and 506/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that on 10.11.2023, an altercation took place between the
son and daughter-in-law. On 11.11.2023, the daughter-in-law of
the informant went to her *maika* and on 12.11.2023, the son of
the informant went to the *maika* of his wife and returned from
there. It is further alleged that on 13.11.2023, he left the house
intimating his mother that he was going to the place of his wife,
but thereafter his whereabouts could not be found. On



17.11.2023, from the mobile number of his son, a call has been received by the daughter of the informant and the caller from that end started abusing. On the basis thereof, a suspicion has been raised that the son of the informant was kidnapped by the caller.

4. Learned Advocate for the petitioner contended that the petitioner is not named in the FIR. However, only on the basis of the call details report, the name of the petitioner surfaced in the case and whereupon, he was apprehended and put behind the bar. It is further contended that so far the son of the informant is concerned, his dead body was found lying near the railway track at *Muradabad* and a UD case has also been registered suggesting it was a case of train accident. The entire case against the petitioner is based upon suspicion and the call details report and the recovery of mobile from his possession. It is next contended that in fact the petitioner has found the mobile from a train thereafter, he has stealthily kept with him and, in the meantime, he was apprehended by the police but the petitioner has no concern with the alleged offence nor there is any material suggesting his complicity. Moreover, the petitioner has been incarcerated since 14.12.2023, and now the investigation is complete and charge-sheet has been submitted,



but under Section 304/34 of the Indian Penal Code.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the mobile of the deceased son of the informant was recovered from the possession of the petitioner, which suspects his involvement.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioner is based upon circumstantial evidence and there is no other cogent material suggesting his complicity, coupled with the period of custody and the completion of the investigation, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Kaluwahi P.S. Case No. 245 of 2023, subject to the condition that one of the bailors will be the local resident of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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