

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58900 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- SUGAULI District- East Champaran

1. Binita Devi Wife of Vijay Kumar Kushwaha Resident of Village- Khapgopalpur, P.S.- Kesariya, District- East Champaran
 2. Vinay Kumar Kushwaha @ Rakesh Kumar Son of Shyamakant Kushwaha Resident of Village- Khapgopalpur, P.S.- Kesariya, District- East Champaran
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 363, 364, 506/34 of the Indian Penal Code.

3. As per written report of informant, on 23.10.2023, her son was kidnapped by co-accused Smita Devi and Rishabh Kumar. It is further alleged by informant that her son used to talk to Smita Devi, which was objected by Rishabh Kumar, for which her son and said Rishabh Kumar had quarreled one month earlier and Rishabh Kumar had threatened her son to kill and as such, conspiring with each other, co-accused Smita Devi and Rishabh Kumar called her son and might have killed her son.



4. Learned counsel for the petitioners submits that it is specific case of the informant that FIR named co-accused persons have kidnapped and killed her son. Name of the petitioners transpired during course of investigation on the basis of confessional statement of co-accused *Akhilesh Bhagat*, who had stated that dead-body of deceased was kept on the *verandah* of these petitioners. Learned counsel for the petitioners further submits that except confessional statement of co-accused, there is nothing against these petitioners to show their involvement in the aforesaid crime. Similarly situated co-accused Asha Devi and Mukesh Kumar have already been granted anticipatory bail this Court, vide orders annexed as Annexure – 2 to the petition. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Sugauli P.S. Case No. 462



of 2023, subject to condition as laid down under Section 438(2)
of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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