

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77892 of 2023

Arising Out of PS. Case No.-354 Year-2023 Thana- RAJAOLI District- Nawada

1. Sudhir Bhulla Son of Prasadi Bhulla R/O Village- Chatkari Tola, Titariyadih, P.S.- Rajauli, Dist.- Nawada
2. Sikandar Bhulla @ Sikandra Bhulla Son of Sukhdev Bhulla R/O Village- Chatkari Tola, Jarlahi, P.S.- Rajauli, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 20-04-2024 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Rajauli P.S. Case No. 354 of 2023 instituted for the offences under Section 365 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioners is of being involved in the alleged kidnapping of the husband of the Informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case due to ulterior motive and village politics. The



petitioners are not named in the F.I.R. and their names have surfaced in this case in course of investigation on the basis of confessional statement of the co-accused/Suresh Yadav. In the entire case diary, nothing has come against the petitioners. He further submits that there is no substantial material to prove the guilt of the petitioners. There is no direct or specific allegation of any overt against the petitioners rather the same is general and omnibus in nature. Nothing incriminating has been recovered from the physical or conscious possession of the petitioners. The petitioners have no concern with the alleged offence. No Test Identification Parade has been conducted in this case by the police. The petitioners have no criminal antecedent and are languishing in judicial custody since 28.06.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is very serious in nature and, thus, they do not deserve bail.

6. Considering the entire facts and circumstances of the case, the period of custody of the petitioners and the



petitioners being not named in the F.I.R. as also the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released 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 Court below/concerned Court in connection with Rajauli P.S. Case No. 354 of 2023, subject to the following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioners.

(ii) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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