

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61359 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- BELDOUR District- Khagaria

Amit Kumar @ Amit Kumar Singh aged about 23 years Male, son of Kishori Singh R.O.- illage- Baroon Po- Itmadi Ps- Beldaur District-Khagaria
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70990 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- BELDOUR District- Khagaria

Gulshan Kumar, aged about 20 years, male, S/O Sanjay Singh R/O Vill - Barun P.S.- Beldour, Dist- Khagarai
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61359 of 2024)

For the Petitioner/s : Mr. Vivekanand Singh, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP.

(In CRIMINAL MISCELLANEOUS No. 70990 of 2024)

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 10-01-2025 Heard learned counsels for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Sessions Case No. 620 of 2023 arising out of Beldour P.S. Case No. 132 of 2023 instituted for the offences punishable under Section 364/34 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner, namely, Amit Kumar @ Amit Kumar Singh was rejected vide order dated 27.02.2024 by this Court in Cr. Misc. No. 75293 of 2023



with an observation that the trial Court is directed to examine two prosecution witnesses and thereafter the petitioner may renew his prayer for bail before the learned trial Court.

4. As per the prosecution case, accused persons kidnapped, killed and disappeared the son of the informant.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case merely on the basis of suspicion. From perusal of the FIR, it appears that no specific allegation has been made against the petitioners. It is further submitted that the informant is not an eye-witness to the alleged occurrence. He next submits that the dead body of the son of the informant has not been recovered. Petitioners have got no criminal antecedent as stated in para 3 of the bail petition are in custody since 16.06.2023/21.06.2023.

6. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail.

7. From perusal of the case diary, FIR and also the impugned order of the learned Additional Sessions Judge-3rd, Khagaria dated 10.11.2023 and 27.05.2024, it appears that petitioners have been named in the FIR. FIR is registered under Sections 364/34 of the Indian Penal Code on the basis of written



report of the informant Dharmendra Mandal, father of the victim Abhishek Kumar. The witnesses have also supported the version of the case diary and there is specific allegation against the petitioners. The investigating officer found the case to be true against the petitioners for an offense under section 364/34 of the Indian Penal Code. It appears from the report of the learned District and Additional Sessions Judge-10 dated 12.11.2024 that the matter is still pending for prosecution evidence which is likely to be concluded within a period of 4 to 5 months.

8. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as the report of the trial Court, I am not inclined to grant bail to the petitioners.

9. Prayer for regular bail of the petitioners is hereby rejected.

(Ramesh Chand Malviya, J)

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