

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5331 of 2022

Arising Out of PS. Case No.-347 Year-2021 Thana- DEHRI TOWN District- Rohtas

Bhola Ram S/O Ravindar Kumar @ Ravindra Ram, Resident of 241, Ward
No. 35, Barah Pathar, P.S.- Dehri-on-Sone, District- Rohtas, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Dehri (Town) P.S. Case No. 347 of 2021
registered for the alleged offences under Section 365 of the
Indian Penal Code.

As per prosecution case, the son of the informant went
missing and it came to the knowledge of the informant that the
petitioner along with co-accused Bhola Paswan and the son of
the informant were eating and drinking together prior to the son
of the informant had gone missing. The informant also showed
her suspicion regarding one Bhola Paswan and Raja Pandey



who have threatened her son and they might have abducted him.

It has been submitted on behalf of the petitioner that the petitioner is innocent and has been falsely implicated in this case. It is clear from the F.I.R. that it was co-accused Biru Yadav who informed the mother of the petitioner regarding his son. It is also apparent from the F.I.R. that the petitioner and the son of the informant were on friendly terms and there was no reason for the petitioner to abduct him or to do anything illegal. For an occurrence dated 26.07.2021, the F.I.R. has been lodged after delay of 4-5 days on 01.07.2021 and there is no explanation for the same. The informant and the petitioner are residents of same locality. It has further been submitted that the son of the informant was not a good character and this fact has been admitted by his brothers also during the investigation. Nothing has come up during investigation to connect the petitioner with the missing son of the informant except the fact that they were together on the fateful day. Charge sheet has been submitted in this case and the petitioner is in custody since 10.07.2021. Another co-accused persons have been granted bail by a Coordinate Bench vide order dated 19.10.2022 passed in Cr. Misc. No. 2042 of 2022.

Learned A.P.P. for the State opposes the prayer for



bail of the petitioner submitting that the petitioner was seen with the son of the informant who has not been recovered and is still traceless. The petitioner is having one criminal antecedent.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there appears hardly any material on record to show the connection or proximity of the petitioner with the offence as alleged and further considering his period of custody along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Dehri in connection with Dehri (Town) P.S. Case No. 347 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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