

Sanjit Kumar Das @ Sanjit Das @ Sanjit ... vs The State Of Bihar on 9 February, 2023

Author: Satyavrat Verma

Bench: Satyavrat Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29743 of 2022
Arising Out of PS. Case No.-545 Year-2021 Thana- TAJPUR District- S
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Sanjit Kumar Das @ Sanjit Das @ Sanjit Kumar Son of Munshilal Das @
Munsi Das Resident of Village - Thara, P.S.- Tajpur (Waini OP), Distt.-
Samastipur.

... .. Petiti

Versus

The State of Bihar

... .. Opposite Part

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with

CRIMINAL MISCELLANEOUS No. 66858 of 2022
Arising Out of PS. Case No.-545 Year-2021 Thana- TAJPUR District- S
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Kavita Devi @ Kavita Kumari Wife Of Sanjit Kumar Das R/O Vill.- Thahra,
P.S.- Tajpur (Waini O.P.), Distt.- Samastipur

... .. Petition

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 29743 of 2022)
For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP
(In CRIMINAL MISCELLANEOUS No. 66858 of 2022)
For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Sangeeta Sharma, APP
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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-02-2023

CRIMINAL MISCELLANEOUS No.29743 of 2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 364, 302, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has antecedent of two cases, he is in custody since Patna High Court CR. MISC. No.29743 of 2022(4) dt.09-02-2023 30.12.2021 and the informant alleges that his minor son aged about five years was missing since 25.12.2021, it is next alleged that during search this petitioner along with his wife disclosed that their nephew was also kidnapped and after paying Rs. 14 lakhs they only got some bones of their nephew as such he should also spend some money so that his son gets traced, it is further alleged that thereafter for two days, they kept on searching and on 28.12.2021, a panchayati was held in which Sanjit Das (petitioner) was called and he in presence of the panchas disclosed that within twenty four hours he will get the child back but on the next day i.e. on 29.12.2021 in the morning, the dead body of the child was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the same does not inspire any confidence. It is further submitted that though it is alleged that a panchayati was held and in presence of panchas, Sanjit Das disclosed that he will get the child back within twenty four hours but then that in itself does not demonstrate that he had accepted that he had kidnapped the child. Learned counsel further submits that had the petitioner committed the occurrence Patna High Court CR. MISC. No.29743 of 2022(4) dt.09-02-2023 then definitely he would not have accepted before the panchas as such it appears that there is some missing link. It has been further submitted that the date of occurrence is 25.12.2021 and the FIR was instituted on 29.12.2021 and during the course of investigation also none of the panchas' statement was recorded in whose presence the alleged panchayati was held on 28.12.2021 which further creates doubt with regard to the veracity of allegation as to whether even any panchayati was conducted on 28.12.2021 or not. It is next submitted that charges have been framed and one witness has been examined, further the petitioner will cooperate in the trial and will not abscond. It is also submitted that the entire allegation hinges around suspicion as there is no eyewitness to the occurrence including the informant.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tajpur Patna High Court CR. MISC. No.29743 of 2022(4) dt.09-02-2023 (Waini O.P.) P.S. Case No. 545 of 2021.

Further, if the learned trial court comes to a conclusion that the petitioner, after his release, is trying to delay the trial in any manner, the learned trial court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that the petitioner is put behind bars.

CRIMINAL MISCELLANEOUS No. 66858 of 2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 364, 302, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a woman having clean antecedent, she is in custody since 27.08.2022 and the informant alleges that his minor son aged about five years was missing since 25.12.2021, it is next alleged that during search this petitioner along with her husband disclosed that their nephew was also kidnapped and after paying Rs. 14 lakhs they only got some bones of their nephew as such he should also spend some money so that his son gets traced, it is further alleged that thereafter for two days, they kept on searching and on 28.12.2021, a panchayati was held in which Sanjit Das was called and he in presence of the panchas Patna High Court CR. MISC. No.29743 of 2022(4) dt.09-02-2023 disclosed that within twenty four hours he will get the child back but on the next day i.e. on 29.12.2021 in the morning, the dead body of the child was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the entire allegation hinges around suspicion and husband of the petitioner has already been granted privilege of bail by order dated 09.02.2023 in Cr. Misc. No. 29743 of 2022, further the case of the petitioner is on a better footing, it is next submitted that the only difference is that in the case of petitioner charges till date have not been framed.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner but is not able to rebut the submission of the learned counsel for the petitioner that husband of the petitioner has been granted bail by order dated 09.02.2023 in Cr. Misc. No. 29743 of 2022 by this Court.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tajpur Patna High Court CR. MISC. No.29743 of 2022(4) dt.09-02-2023 (Waini O.P.) P.S. Case No. 545 of 2021.

Further, if the learned trial court comes to a conclusion that the petitioner, after her release, is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel his bail bonds after recording reasons.

(Satyavrat Verma, J) Rishi2/-

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