

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82559 of 2019

Arising Out of PS. Case No.-130 Year-2018 Thana- SIMRI District- Buxar

Ashish Rai @ Atul Rai @ Amit Kumar aged about 21 years (Male) Son of Sri Gopal Rai Resident of Village- Chunni, P.S.- Buxar (M), District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey

For the Opposite Party/s : Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 12-12-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Simri P.S. Case No. 130 of 2018 initially registered for the offence under Section 363 of the I.P.C., but later on, Sections 364, 302, 201, 120(B) of the Indian Penal Code were also added.

In the F.I.R., the informant has alleged that his cousin brother, aged about 10 years, had come with his mother to his house and subsequently, while he was playing outside the house of informant, he became traceless.

It is submitted on behalf of petitioner that petitioner is not named in the F.I.R., but only on suspicion, he was implicated in this case. Except the confessional statement of co-accused, there is no incriminating material indicating the complicity of the petitioner. It is further submitted that other co-accused have already been granted bail by this Court, vide order dated 21-05-19 in Cr.Misc. No. 16393/2019, order dated 28-01-19 in Cr.Misc. No. 4186/2019, order dated 25-03-19 in



Cr.Misc. No. 15875/2019 and order dated 21-12-18 in Cr.Misc. No. 77227/2018 (Annexure 2 series). In this case, chargesheet has also been submitted and as such, there is no chance of tampering with the evidence against the petitioner and petitioner is in custody since 22-09-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – III, Buxar in connection with S.T. No. 292 of 2018, arising out of Simri P.S. Case No. 130 of 2018 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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