

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24061 of 2020

Arising Out of PS. Case No.-194 Year-2019 Thana- SANGRAMPUR District- Munger

Birendra Kumar @ Pintu Son of Pahlu Mandal Resident of Village - Dadri
Jala, P.S. - Sangrampur, Distt.- Munger ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr.Kumar Kamal Nayan, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-09-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor representing the State.

The petitioner seeks bail in a case registered for the offence punishable under sections 302/34 and other ancillary sections of the Indian Penal Code.

Prosecution's case, in brief, is that unknown miscreants kidnapped informant's son, who had gone to watch Orchestra at night.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of suspicion. He submits that save and except confessional statements of co-accused Rajesh Kumar and Rajiv Kumar, no cogent material has come during investigation against the petitioner. There is no eye witness to the occurrence. Charge sheet has also been filed in the case. There is no



allegation of tampering with the evidence. FIR has been lodged after delay of 6 days of the occurrence, without explanation of delay. Petitioner has got no criminal antecedent and he is in custody since 1.12.2019.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above 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 the Sub Divisional Judicial Magistrate, Munger in Sangrampur Police Station Case No. 194 of 2019, on the following conditions:-

(1) Petitioner shall co-operate 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/her absence on two consecutive dates without sufficient reason, his/her 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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