

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12453 of 2021

Arising Out of PS. Case No.-1094 Year-2019 Thana- PHULWARISHARIF District- Patna

SANOJ KUMAR @ DELWA Son of Late Raj Kumar Mahto R/v- Kumhar
Toli, Uttari Sangat, P.S.- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 27-09-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363 and 365 of the Indian Penal Code to which sections 302, 201, 147 and 149 of the Indian penal Code were added subsequently.

As per the prosecution case, the eighteen year old son of the informant went missing and did not return home. He was not to be found inspite of search.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. The name of the petitioner transpired on the basis of the confessional statement of the petitioner recorded in connection with Phulwarisharif P.S. Case no.1093 of 2019 and thereafter the petitioner was remanded in the instant case. It is submitted that the petitioner is



in custody since 10.1.2020 and a number of co-accused have been enlarged on bail, orders of which have been brought on record as Annexure-2 series to the supplementary affidavit.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that in course of investigation, the three accused namely, Chaitu Kumar, Deepak Mahto and the petitioner herein confessed their guilt and it was pursuant to the said confession the dead body of the deceased, mobile phone and trolley were recovered. It is submitted that applications for bail of the co-accused Chaitu Kumar as also Deepak Mahto have been rejected by this Court.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the fact that chargesheet has been submitted in the case and the petitioner has remained in custody for over 1 year 8 months, the Court directs the petitioner to be enlarged on bail in connection with Phulwarisharif P.S. Case no.1094 of 2019 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 Additional Chief Judicial Magistrate IX, Patna.

It is further directed that the petitioner shall cooperate



in the trial and shall remain physically present in the learned trial court on each date of the trial. In case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on the part of the petitioner, it will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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