

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27706 of 2021

Arising Out of PS. Case No.-670 Year-2019 Thana- AMARPUR District- Banka

MD. IRSAD @ CHUNNILAL S/o Md. Salim R/o village- Amarpur, Ward
No. 13, P.S.- Amarpur, District- Banka

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Amarpur P.S. Case No. 670 of 2019 registered for the offences punishable under Sections 364/ 34 of the Indian Penal Code.

It is alleged that the informant had left his brother at his tea shop at 8:30 PM on 22.12.2019. One hour later, his brother has been found missing. The FIR has been lodged alleging suspicion that the accused persons, including the petitioner have taken away the brother of the informant and some untoward incident may occur.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel further submits that informant is not eye witness of the occurrence. The alleged occurrence took place on 22.12.2019 and the present FIR has been lodged on 23.12.2019. The mother of the informant has not disclosed the name of the petitioner. Learned counsel further submits that no witness has disclosed the name of the petitioner during course of investigation. Learned counsel further submits that co-accused Sonu Kumar Bhagat has been granted bail by a co-ordinate Bench of this court vide order dated 18.01.2021 passed in Cr. Misc. No. 28985 of 2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released 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 learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 670 of 2019, subject to 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 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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