

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28985 of 2020

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

Sonu Kumar Bhagat, Son of Late Dilip Prasad Bhagat @ Dilip Bhagat,
Resident of Village-Amarpur, Ward No.-12, P.S.-Amarpur, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Diwakar Upadhyaya, Advocate
For the S t a t e	:	Mr. Permeshwar Mehta, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 18-01-2021 Heard learned Counsel for the petitioner and the

learned APP for the State as well as the learned counsel for the

informant.

The petitioner seeks bail in connection with
Amarpur P.S. Case No.670 of 2019 registered for the offence
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 P.M. on 22.12.2019. One hour later, his
brother has been found missing. The F.I.R. has been lodged
alleging suspicion that the accused persons, including the
petitioner, have taken away the brother of the informant and that
some untoward incident may occur.

Learned counsel for the petitioner submits that such



F.I.R. raising suspicion has been lodged on 23.12.2019 that also at 9.05 P.M., whereas the allegation is that the brother of the informant was taken away on the earlier date i.e., 22.12.2019 at about the same time, i.e., 24 hours earlier. It is submitted by the petitioner's counsel that the prosecution version as stated by the informant is corroborated by the mother of the victim as well as the uncle only in so far as co-accused, namely, Ravi Kasera and Shakti Yadav are concerned. The mother of the victim and uncle have not stated about the petitioner's involvement. The petitioner has implicated merely on suspicion because he was some time in the company of co-accused persons. There is one case existing against the petitioner for the offence under Section 379 I.P.C. since before, in which he is already on bail. He is in custody in connection with this case since 24.12.2019.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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