

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3780 of 2021

Arising Out of PS. Case No.-112 Year-2014 Thana- SAHEBPUR KAMAL District-
Begusarai

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SUNIL SINGH Son of Rambalak Singh Resident of Village - Nagargama,
P.S.- Ballia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No.2, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 02-09-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

The petitioner seeks bail in connection with Sahebpur
Kamal P.S. Case No.112 of 2014 registered for the offence
punishable under Sections 363, 365 of the Indian Penal Code.

The prosecution case in short is that brother of the
informant went to take grass for cattle feed on 14.04.2014 and
subsequently he has been kidnapped. It is stated by the informant
that he has reported the matter to the concerned police station and
time was given for that on 15.4.2014 and on 25.4.2014 public
petition was also given by the local villagers but till 30.4.2014,
there is no trace of his brother. It is suspected that some unknown
miscreants have kidnapped his brother.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence as



alleged in the FIR. He has been falsely implicated in this case only on the basis of false baseless and concocted allegation. He is not named in the FIR rather he is made accused in this case on the statement of Shyamdeo Singh recorded under section 164 Cr.P.C., in which he has claimed that he has seen the incident on the alleged date of occurrence that petitioner and other co-accused tried to kill Kanhaiya Singh and took him away. It is further submitted that had the witness Shyamdeo Singh seen the deceased taken away by the petitioner and co-accused, he would have certainly disclosed the aforesaid fact to the informant either before institution of the present case or at the time of lodging of this case. Similarly situated co-accused namely Pintu Singh has been granted anticipatory bail vide Cr. Misc. No.11623 of 2015 dated 18.05.2015 passed by a co-ordinate Bench of this Court. The petitioner has one criminal antecedent and has been languishing in custody since 22.08.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in



connection with Sahebpur Kamal P.S. Case No.112 of 2014,
subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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