

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.1975 of 2022**

Arising Out of PS. Case No.-162 Year-2019 Thana- ALOULI District- Khagaria

MAKHAN SADA S/o Baunu Sada R/o village- Urdaha, P.S.- Alauli, District-  
Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ram Sumiran Rai,Adv

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      14-07-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 363 of the IPC and subsequently added Sections 364,302,201/34 of IPC.

The prosecution case, in short, is that the grandson of the informant, namely, Sunil Kumar aged about 19 years, son of Arjun Yadav taken out from his house on 19.05.2019 at about 7.00 PM evening who was gone at Bakhri Bazar used to visit the unknown Doctor every day and who is missing from 19.05.2019 and his mobile not found after search.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is not named in the FIR. In fact the FIR is against unknown person. The name of the petitioner has been transpired during investigation. He further submits that in fact the victim was missing on 19.05.2019 and the present FIR has been instituted on 23.05.2019 without any explanation of delay and the dead body of the victim was recovered on 28.05.2019 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Alauli P.S. Case No.162 of 2019 ( G.R.No.1362 of 2019), with 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.

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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