

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12554 of 2022

Arising Out of PS. Case No.-389 Year-2021 Thana- SAHPUR District- Patna

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MANU KUMAR @ ABHIMANU KUMAR, Son of Arjun Rai Resident of
Village - Daudpur, Kalbalah, P.S.- Shahpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 03-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Shahpur P.S Case No. 389 of 2021, registered for the

offences punishable under Section 365 of the IPC.

As per allegation, the brother of the informant,

namely, Bhushan Rai, was missing from Daudpur Kalbalah

Hanuman Mandir after the midnight of 10.10.2021. He

started searching his brother but could not trace him out. It

is further alleged that one year ago the petitioner had taken

away the wife of the victim and for that a case was lodged.

It is also alleged that the petitioner and the wife of the



victim was in love affair and therefore a suspicion has been raised that they have taken away the victim.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion and without any substantive piece of evidence. He further submits that except suspicion, there is nothing against the petitioner and hence no offence is made out under Section 365 IPC. He also submits that the investigation of this case is complete and charge-sheet has already been submitted. He further submits that the petitioner has been languishing in jail since 26.10.2021 i.e. for about 10 months.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made accused in Shahpur P.S. Case No. 27 of 2015.

However, the learned APP for the State has opposed the prayer for bail.



Considering the aforesaid facts, and circumstances, particularly the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM- 1st, Danapur in connection with Shahpur P.S. Case No. 389 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than



the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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