

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24541 of 2021

Arising Out of PS. Case No.-193 Year-2020 Thana- BARGAINIA District- Sitamarhi

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SUNIL KUMAR YADAV S/o Late Virendra Yadav R/o village- Chapiya Tola,
Daroga Hata, P.S.- Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dinesh Jha, Adv.
For the Opposite Party/s	:	Mr. A.P.P.
For the informant	:	Mr. Dwij Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2022 Heard learned counsel for the petitioner and the

learned counsel for the informant and also learned A.P.P. for

the State through video conferencing.

The petitioner seeks bail in connection with

Bairgania P.S. Case No. 193 of 2020 registered for the offence

under Sections 365, 364 and 364(A) of the Indian Penal

Code.

The son of the informant is alleged to have been

abducted by the unknown persons.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. In fact,

the entire F.I.R. is instituted against the unknown persons



and mere on the basis of confession statement of the co-accused, Anil Kumar, the petitioner has been apprehended in this case. Save and except the confession of the co-accused, no cogent material has come against the petitioner during course of investigation. Neither anything incriminating suggesting the involvement of the petitioner in the alleged occurrence has been recovered from the possession of the petitioner nor he has been put on T.I.P. as yet. Moreover, the co-accused, Md. Azharuddin Ansari @ Md. Azharuddin, has already been granted bail by a co-ordinate Bench of this Court vide order dated 27.09.2021 passed in Cr. Misc. No. 27245 of 2021. The petitioner is rotting in judicial custody since 06.12.2020.

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, above named, petitioner 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 learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 193 of 2020 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 canceled 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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