

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20800 of 2022

Arising Out of PS. Case No.-998 Year-2021 Thana- NAGAR District- Vaishali

SONU KUMAR, Son of Kedar Ray @ Kedar Roy Resident of Village -
Rambhadra, P.S.- Hajipur Town, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 998 of 2021, dated 10.12.2021,
registered for the offences punishable under Sections 413,
414 and 34 of I.P.C.

As per allegation, on patrolling near Ramchaura
Temple, the police arrested one person from a motorcycle,
whereas two persons, namely, Rahul Kumar and Raushan
Kumar managed to flee away. Accordingly, seizure list had
been prepared and F.I.R. has been instituted.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He also submits that search and seizure has not been made as per rule as provided by Cr.P.C. He also submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that no T.I.P. has been conducted till date. He further submits that he has been in custody for about 8 months i.e. since 11.12.2021.

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 that earlier the petitioner has been made accused in one more case, namely, Town P.S. Case No. 619 of 2020 dated 18.09.2020.

However, the learned APP for the State opposes 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 C.J.M., Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 998 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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