

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41224 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- BHEJA District- Madhubani

MD ERSHAD S/o Safik Resident of Village- Sonre, P.S.- Lakhnaur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Shubham
For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Bheja P.S. Case No. 82/2020, G.R. No. 1879/ 2020 registered for the offences punishable under Sections 364, 34 of the IPC.

The present FIR relates to kidnapping of informant's brother.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and he bears clean antecedent. He further submits that name of the petitioner has been transpired during course of the investigation. He further submits



that motorcycle of the victim has been recovered from the house of the petitioner. He further submits that petitioner has purchased the said motorcycle from co-accused. He further submits that during investigation, apart from the aforesaid fact, nothing has come against the petitioner. He further submits that the police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 04.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-1, Madhubani in connection with Bheja P.S. Case No. 82/2020, G.R. No. 1879/ 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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