

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42554 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- MIRGANJ District- Gopalganj

Sagar Kumar @ Mannu (male), aged about 26 yeas, Son of Rabindra Singh
Resident of Village- Dudhara, P.S.- Goriakothi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Soban Asghar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-02-2022 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 Mirganj P.S. Case No. 48 of 2021 (G.R. No. 531 of 2021) registered for the offences punishable under Sections 364(A), 120(B)/34 of the Indian Penal Code.

The prosecution case, in short, is that on 08.02.2021 at about 6:00 a.m., the son of the Informant, namely, Ankit Kumar, left home for the coaching class. After five minutes, the Informant received a phone-call that the Scooty of his son was lying near canal of NH-53. Thereafter, the Informant reached



there but, his son was not found there.

Learned counsel for the petitioner submits that petitioner has one criminal antecedent but, is innocent and has committed no offence and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused Ahsan Rai. He further submits that the petitioner is not named in the F.I.R. and, except confessional statement, there is nothing on record against him. Learned counsel for the petitioner further submits that the co-accused Abhishek Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 07.01.2022 passed in Cr. Misc. No. 42556 of 2021 and the petitioner is in custody since 10.02.2021.

Learned Additional Public Prosecutor has vehemently opposed the prayer for bail but, fairly submits that petitioner carries one criminal antecedent.

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 Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No. 48 of 2021 (G.R. No. 531 of 2021), 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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