

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45044 of 2021

Arising Out of PS. Case No.-398 Year-2018 Thana- PATORI District- Samastipur

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Sunil Kumar Choudhary @ Sunil Choudhary Son of Laldeo Choudhary
Resident of Village - Jathui (Jarua), P.S.- Industrial Pragnan, Hajipur, Distt.-
Hajipur, Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar

For the Opposite Party/s : Mr.Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2022 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 Patory P.S.
Case No. 398 of 2018 registered for the offences punishable
under Sections 363 of the Indian Penal Code and the charge
sheet has been filed under Section 363 and 366 of the Indian
Penal Code.

According to prosecution case, the petitioner used to
phone the daughter of the informant. He further rang up the
family members of informant also and put them under threat. He



also got threatened the family member of informant by a suspicious women and told the informant that if they would do anything then their girl (informant's daughter the victim) would be kidnapped who was at Tirpur. The daughter of the informant remained missing and could not be recovered.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation against the petitioner and the name of the petitioner has been transpired only on the basis of suspicion. He further submits that during investigation nothing has come against the petitioner. The petitioner is in custody since 19.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for 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-II, Samastipur in connection with Patori P.S. Case No. 398 of 2018, 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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