

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49592 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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Kaish Son of Akbar Ali @ Akbar Resident of village - Banjaraha, P.S.
Kundwa Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Ranjana Srivastava, Advocate
For the Opposite Party/s : Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 365, 302, 201/34 of the

Indian Penal Code.

As per prosecution case, in brief, is that

Janmohammad gave an application on 14.07.2020 stating

therein that his wife died ten years before. The informant

performed second marriage but Mustak son of his second wife

always gave threatening to kill him if he will not register the



land. His wife Halima Khatoon aged about 45 years is absconder from his house since 07.07.2020 at about 7:30 in the evening and on being search he could not find her. He has suspicion that the accused petitioner has kept her to another place.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. In fact, the petitioner is not named in the F.I.R. and it transpires during investigation that his name has come on the basis of self confessional statement of the petitioner. He further submits that except the confessional statement of the petitioner nothing has come during investigation against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.07.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with



Sessions Trial No. 149 of 2021 arising out of Chainpur P.S. Case No. 107 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 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 witness, 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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