

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50813 of 2021

Arising Out of PS. Case No.-866 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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Jakir Ali @ Zakir Ali S/o Late Abdul Gaffar @ Late Gaffar Miyan @ Late
Abdul Gafar R/o village- Najani Chowk, P.S.- Bettiah (Town), District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, ADvocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-05-2022 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 Section 365 of the Indian Penal Code

but later on Section 364 of the Indian Penal Code was added but

the chargesheet has been submitted under Sections 302, 201 and

120B/34 of the Indian Penal Code.

According to F.I.R., the informant's brother went to

Bettiah. However, he did not return back. It is alleged that

someone had kidnapped him. The F.I.R is against unknown.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the record that the date of occurrence is 28.11.2017 and the petitioner is in custody since 07.12.2015 in Bettiah (Town) P.S. Case No. 140 of 2014. He further submits that on the basis of suspicion the petitioner has been implicated in the present case and during investigation it has come that the petitioner has the main conspirator of the present occurrence and similarly situated co-accused persons namely Lal Babu Singh has been granted by a Coordinate Bench of this Court vide order dated 09.08.2018 in Cr. Misc. No. 46814 of 2018, another co-accused namely Anup @ Anup Kumar @ Nanhki has been granted bail by a Coordinate Bench of this Court vide order dated 08.10.2018 in Cr. Misc. No. 54595 of 2018, Co-accused Chanki Pandey @ Mrityunjay Kumar Pandey has been granted bail by a Coordinate Bench of this Court vide order dated 26.09.2018 in Cr. Misc. No. 53724 of 2018, Co-accused Kanhaiya Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 20.09.2018 in Cr. Misc. No. 47107 of 2018, Co-accused Anjali Singh @ Anjali Devi has been granted bail by a Coordinate Bench of this Court vide order dated 16.07.2018 in Cr. Misc. No. 28716 of 2018 and



co-accused namely Chandan Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 19.07.2018 in Cr. Misc. No. 31177 of 2018 respectively.

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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bettiah (Town) P.S. Case No. 866 of 2017, 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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