

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41722 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- BEUR District- Patna

Jitendra Ravidas S/O Late Krishna Das Resident of Village- Khajuri, P.S.-
Naubatpur, District- Patna, at present r/o Beur Chauraha, Chamar Toli, Renter
of Nadkishore Das, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40419 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- BEUR District- Patna

Dev Kumar Singh Son of Late Suresh Prasad Resident Of Mahavir Colony,
Road No.- 2c, P.S.- Beur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41499 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- BEUR District- Patna

Om Prakash Kumar Son of Gauri Shankar Prasad R/O Setunagar, Tejpratap
Nagar, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43092 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- BEUR District- Patna

Munna Kumar @ Shiv Kumar Son of Hem Lal Ram R/O Vishnupuri
(Chitkohra), P.S.- Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 44928 of 2022

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Arising Out of PS. Case No.-189 Year-2022 Thana- BEUR District- Patna

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Jitendra Kumar Son of Dharam Raj Ram Resident of Village - Bhikhachak,
P.S.- Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 47866 of 2022

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Arising Out of PS. Case No.-189 Year-2022 Thana- BEUR District- Patna

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Rahul Kumar @ Manager Son of Ashok Kumar @ Ashok Sharma Resident
Of Mohalla - Khemni Chak, House of Jetendra Yadav (Beiman Tola), Police
Station - Ram Krishna Nagar In The District of Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 58024 of 2022

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Arising Out of PS. Case No.-189 Year-2022 Thana- BEUR District- Patna

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Sudhir Kumar Son of Late Baijnath Prasad R/V- Paithani Nathopur, P.S- Beur,
Dist- Patna At Present Krishna Vihar Colony Near Patna Mart, P.S- Beur,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :
(In CRIMINAL MISCELLANEOUS No. 41722 of 2022)
For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the State : Mr. Khurshid Anwar, APP
(In CRIMINAL MISCELLANEOUS No. 40419 of 2022)
For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate
For the State : Mr.Ashok Kumar Singh, APP



(In CRIMINAL MISCELLANEOUS No. 41499 of 2022)

For the Petitioner/s : Mr. Anuj Dilbar Krishna, Advocate

For the State : Mr. Mukesh Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 43092 of 2022)

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the State : Mr. Khurshid Anwar, APP

(In CRIMINAL MISCELLANEOUS No. 44928 of 2022)

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate

For the State : Mr. Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 47866 of 2022)

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the State : Ms. Pronoti Singh, APP

(In CRIMINAL MISCELLANEOUS No. 58024 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the State : Ms. Vaishnavi Singh, Advocate

For the State : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 14-12-2022

Cr. Misc. No. 41722 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Beur P.S. Case No. 189 of 2022 registered for the offence under Sections 363 and 365 of the Indian Penal Code and, later on, Sections 302, 364, 201, 120B and 34 of the Indian Penal Code was added subsequently.

The accused/petitioner is not named in the F.I.R. and is in custody since 12.05.2022.

The allegation against the petitioner is to kidnap the brother of the informant, alongwith other co-accused persons,



where the F.I.R. was lodged for the reason that the mobile phone of the brother of the informant turned switched off after making a payment of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand) under direction of his brother.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and name of the petitioner surfaced in this case on the basis of confessional statement of co-accused, namely, Ramashish Kumar, in furtherance of which, nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present occurrence. It is submitted that murder of brother of the informant was committed in Motihari immediately after this occurrence, for which a separate F.I.R. was lodged there, which was registered as Pipra P.S. Case No. 134 of 2022, having no bearing over the present case, being separate offence. It is further submitted that name of the petitioner raised in present case for only reason that he was working as a partner, while dealing property alongwith brother of the informant. It is pointed out that petitioner is involved in one more criminal case, where he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such,



there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that petitioner is also appears to be involved in murder of brother of the informant after kidnapping, due to property related disputes, but fairly conceded the fact that for the said occurrence, Pipra P.S. Case No. 134 of 2022 was registered.

In view of the facts and circumstances, as mentioned above, as save and except confessional statement of co-accused, namely, Ramashish Kumar, nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner with the present occurrence of kidnapping coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Beur P.S. Case No. 189 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the



Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be the deponent of the present bail petition.”

Cr. Misc. No. 40419 of 2022

At the outset, learned counsel for the petitioner submitted that in paragraph no.1, at page no.2, of the bail petition, inadvertently, ‘Sections 363 and 365 of the Indian Penal Code’ has been wrongly omitted.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Beur P.S. Case No. 189 of 2022 registered for the offence under Sections 363 and 365 of the Indian Penal Code and, later on, Sections



302, 364, 201, 120B and 34 of the Indian Penal Code was added subsequently.

The accused/petitioner is not named in the F.I.R. and is in custody since 12.05.2022.

The allegation against the petitioner is to kidnap the brother of the informant, alongwith other co-accused persons, where the F.I.R. was lodged for the reason that the mobile phone of the brother of the informant turned switched off after making a payment of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand) under direction of his brother.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and name of the petitioner surfaced in this case on the basis of confessional statement of co-accused, namely, Ramashish Kumar, in furtherance of which, nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present occurrence. It is submitted that murder of brother of the informant was committed in Motihari immediately after this occurrence, for which a separate F.I.R. was lodged there, which was registered as Pipra P.S. Case No. 134 of 2022, having no bearing over the present case, being separate offence. It is further submitted that name of the



petitioner raised in present case for only reason that he was working as a partner, while dealing property alongwith brother of the informant. It is pointed out that petitioner is involved in one more criminal case, where he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that petitioner is also appears to be involved in murder of brother of the informant after kidnapping, due to property related disputes, but fairly conceded the fact that for the said occurrence, Pipra P.S. Case No. 134 of 2022 was registered.

In view of the facts and circumstances, as mentioned above, as save and except confessional statement of co-accused, namely, Ramashish Kumar, nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner with the present occurrence of kidnapping coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Beur P.S. Case No. 189 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be the deponent of the present bail petition.”

Cr. Misc. No. 41499 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Beur P.S. Case No. 189 of 2022 registered for the offence under Sections 363 and 365 of the Indian Penal Code and, later on, Sections 302, 364, 201, 120B and 34 of the Indian Penal Code was added



subsequently.

The accused/petitioner is not named in the F.I.R. and is in custody since 12.05.2022.

The allegation against the petitioner is to kidnap the brother of the informant, alongwith other co-accused persons, where the F.I.R. was lodged for the reason that the mobile phone of the brother of the informant turned switched off after making a payment of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand) under direction of his brother.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and name of the petitioner surfaced in this case on the basis of confessional statement of co-accused, namely, Ramashish Kumar, in furtherance of which, nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present occurrence. It is submitted that murder of brother of the informant was committed in Motihari immediately after this occurrence, for which a separate F.I.R. was lodged there, which was registered as Pipra P.S. Case No. 134 of 2022, having no bearing over the present case, being separate offence. It is further submitted that name of the petitioner raised in present case for only reason that he was



working as a partner, while dealing property alongwith brother of the informant. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that petitioner is also appears to be involved in murder of brother of the informant after kidnapping, due to property related disputes, but fairly conceded the fact that for the said occurrence, Pipra P.S. Case No. 134 of 2022 was registered.

In view of the facts and circumstances, as mentioned above, as save and except confessional statement of co-accused, namely, Ramashish Kumar, nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner with the present occurrence of kidnapping coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Beur P.S. Case No. 189 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-III, Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be the deponent of the present bail petition.”

Cr. Misc. No. 43092 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Beur P.S. Case No. 189 of 2022 registered for the offence under Sections 363 and 365 of the Indian Penal Code and, later on, Sections 302, 364, 201, 120B and 34 of the Indian Penal Code was added subsequently.



The accused/petitioner is not named in the F.I.R. and is in custody since 12.05.2022.

The allegation against the petitioner is to kidnap the brother of the informant, alongwith other co-accused persons, where the F.I.R. was lodged for the reason that the mobile phone of the brother of the informant turned switched off after making a payment of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand) under direction of his brother.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and name of the petitioner surfaced in this case on the basis of confessional statement of co-accused, namely, Ramashish Kumar, in furtherance of which, nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present occurrence. It is submitted that murder of brother of the informant was committed in Motihari immediately after this occurrence, for which a separate F.I.R. was lodged there, which was registered as Pipra P.S. Case No. 134 of 2022, having no bearing over the present case, being separate offence. It is further submitted that name of the petitioner raised in present case for only reason that he was working as a partner, while dealing property alongwith brother



of the informant. It is pointed out that petitioner is involved in one more criminal case, where he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that petitioner is also appears to be involved in murder of brother of the informant after kidnapping, due to property related disputes, but fairly conceded the fact that for the said occurrence, Pipra P.S. Case No. 134 of 2022 was registered.

In view of the facts and circumstances, as mentioned above, as save and except confessional statement of co-accused, namely, Ramashish Kumar, nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner with the present occurrence of kidnapping coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Beur P.S. Case No. 189 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III,



Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be the deponent of the present bail petition.”

Cr. Misc. No. 44928 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Beur P.S. Case No. 189 of 2022 registered for the offence under Sections 363 and 365 of the Indian Penal Code and, later on, Sections 302, 364, 201, 120B and 34 of the Indian Penal Code was added subsequently.

The accused/petitioner is not named in the F.I.R. and



is in custody since 12.05.2022.

The allegation against the petitioner is to kidnap the brother of the informant, alongwith other co-accused persons, where the F.I.R. was lodged for the reason that the mobile phone of the brother of the informant turned switched off after making a payment of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand) under direction of his brother.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and name of the petitioner surfaced in this case on the basis of confessional statement of co-accused, namely, Ramashish Kumar, in furtherance of which, nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present occurrence. It is submitted that murder of brother of the informant was committed in Motihari immediately after this occurrence, for which a separate F.I.R. was lodged there, which was registered as Pipra P.S. Case No. 134 of 2022, having no bearing over the present case, being separate offence. It is further submitted that name of the petitioner raised in present case for only reason that he was working as a partner, while dealing property alongwith brother of the informant. It is pointed out that petitioner is involved in



one more criminal case, where he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that petitioner is also appears to be involved in murder of brother of the informant after kidnapping, due to property related disputes, but fairly conceded the fact that for the said occurrence, Pipra P.S. Case No. 134 of 2022 was registered.

In view of the facts and circumstances, as mentioned above, as save and except confessional statement of co-accused, namely, Ramashish Kumar, nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner with the present occurrence of kidnapping coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Beur P.S. Case No. 189 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III-cum-Sub Judge-III, Patna/concerned Court, subject to the



following conditions:

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(ii) That one of the bailors shall be the deponent of the present bail petition.”

Cr. Misc. No. 47866 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Beur P.S. Case No. 189 of 2022 registered for the offence under Sections 363 and 365 of the Indian Penal Code and, later on, Sections 302, 364, 201, 120B and 34 of the Indian Penal Code was added subsequently.

The accused/petitioner is not named in the F.I.R. and



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The allegation against the petitioner is to kidnap the brother of the informant, alongwith other co-accused persons, where the F.I.R. was lodged for the reason that the mobile phone of the brother of the informant turned switched off after making a payment of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand) under direction of his brother.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and name of the petitioner surfaced in this case on the basis of confessional statement of co-accused, namely, Ramashish Kumar, in furtherance of which, nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present occurrence. It is submitted that murder of brother of the informant was committed in Motihari immediately after this occurrence, for which a separate F.I.R. was lodged there, which was registered as Pipra P.S. Case No. 134 of 2022, having no bearing over the present case, being separate offence. It is further submitted that name of the petitioner raised in present case for only reason that he was working as a partner, while dealing property alongwith brother of the informant. It is pointed out that petitioner is involved in



one more criminal case, where he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that petitioner is also appears to be involved in murder of brother of the informant after kidnapping, due to property related disputes, but fairly conceded the fact that for the said occurrence, Pipra P.S. Case No. 134 of 2022 was registered.

In view of the facts and circumstances, as mentioned above, as save and except confessional statement of co-accused, namely, Ramashish Kumar, nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner with the present occurrence of kidnapping coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Beur P.S. Case No. 189 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III-cum-Sub Judge-III, Patna/concerned Court, subject to the



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(ii) That one of the bailors shall be the deponent of the present bail petition.”

Cr. Misc. No. 58024 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Beur P.S. Case No. 189 of 2022 registered for the offence under Sections 363 and 365 of the Indian Penal Code and, later on, Sections 302, 364, 201, 120B and 34 of the Indian Penal Code was added subsequently.

The accused/petitioner is not named in the F.I.R. and



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Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and name of the petitioner surfaced in this case on the basis of confessional statement of co-accused, namely, Ramashish Kumar, in furtherance of which, nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present occurrence. It is submitted that murder of brother of the informant was committed in Motihari immediately after this occurrence, for which a separate F.I.R. was lodged there, which was registered as Pipra P.S. Case No. 134 of 2022, having no bearing over the present case, being separate offence. It is further submitted that name of the petitioner raised in present case for only reason that he was working as a partner, while dealing property alongwith brother of the informant. While concluding the argument, it is submitted



that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that petitioner is also appears to be involved in murder of brother of the informant after kidnapping, due to property related disputes, but fairly conceded the fact that for the said occurrence, Pipra P.S. Case No. 134 of 2022 was registered.

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(ii) That one of the bailors shall be the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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