

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54224 of 2021

Arising Out of PS. Case No.-528 Year-2017 Thana- TURKAULIYA District- East
Champaran

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MANTU RAI @ MANTU KUMAR S/o- Jagdish Rai Resident of Village-
Gokhula Tola Tarkulwa, P.S.- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi, Adv
For the Opposite Party/s : Mr.Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2022 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 363,365/34 of the Indian

Penal Code.

Allegation against the petitioner is of kidnapping of

minor boy of the informant.

Learned counsel for the petitioner submits that

petitioner has clean antecedent. He has falsely been implicated

in the present case only on the basis of suspicion. He further



submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 23.08.2017 but the present FIR has been instituted on 26.08.2017 after delay of three days and there is no explanation of such delay in the FIR. The petitioner is not named in the FIR. He further submits that there is no eye witness of the alleged occurrence and during investigation, nothing has come against the petitioner and similarly situated co-accused namely, Jagdish Rai has been granted bail vide order dated 21.08.2018 in Cr. Misc. No.40828 of 2018 and co-accused, namely, Pappu Kumar has been granted bail vide order dated 26.10.2018 passed in Cr. Misc. No. 64542 of 2018 by different co-ordinate Benches of this Hon'ble Court and the petitioner is in custody since 14.06.2021.

Learned A.P.P. 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/- (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 Turkaulia (Banjaria) P.S. Case No. 528 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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