

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54977 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- SARE District- Nalanda

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SANDIP KUMAR @ SANDIP RAUT @ SANJIT RAUT, Son of Karu Raut
Resident of - Village Onda, P.S.- Sare, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udbhav

For the Opposite Party/s : Mr. Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-06-2022 Heard the learned counsel for the petitioner and

the State.

The present petition has been filed on behalf of the

petitioner, apprehending his arrest, in connection with Sare

P. S. Case No. 09 of 2021, initially registered for the

offences punishable under Sections 363 and 365 of the

Indian Penal Code. Subsequently, Sections 302, 201 and 34

of the Indian Penal Code was also added.



As per allegation, the *bhagina* of the informant was enticed and taken away by the petitioner and his associates.

The learned counsel for the petitioner has submitted that the police after investigation has submitted final form finding the petitioner innocent. However, Ld. Judicial Magistrate has taken cognizance of the offence and issued process against the petitioner also without assigning any reason. He has also submitted that there is village rivalry between the parties and the name of the petitioner has been dragged in this case only on the basis of suspicion.

It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before Hon'ble Apex Court.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned counsel for State has opposed the prayer for bail of the petitioner.

Considering the afore-stated facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M.-IV, Nalanda at Biharsharif in connection with Sare P. S. Case No. 09 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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