

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54792 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- MALSALAMI District- Patna

SHANKAR CHAUDHARY Son of Late Batoran Chaudhary Resident of
Village - Dahuchak Nagla, P.S.- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with S.
Tr. No.910 of 2022 arising out of Malsalami P.S. Case No.138 of
2022 instituted under Sections 147, 149, 120B/302 of the IPC.

As per the prosecution story, the informant has alleged
that his son Vikash Kumar was seen by Raja Kumar to be going with
the accused persons including the petitioner herein and later his dead
body was found.

Learned counsel for the petitioner submits that it is a case
of last seen where on the basis of statement of one Raja Kumar that
he saw the deceased with these accused persons including the
petitioner herein that the informant alleged their role and in that way
he was taken into custody and is in jail since 13.05.2022 (as stated in



para-14 of the bail application).

Learned APP opposes the prayer.

Taking into account the fact that it is a case of last seen, the petitioner has already remained in custody since 13.05.2022, have no criminal antecedent (as narrated in para-3 of the bail application) and further according to the averment of the learned counsel for the petitioner, the same has been committed to the court concerned, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with S. Tr. No.910 of 2022 arising out of Malsalami P.S. Case No.138 of 2022 to the satisfaction of learned Additional Sessions Judge, Ivth, Patna City, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall leave his district (Patna) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty



bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(vi) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vii) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay

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