

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1425 of 2022**

Arising Out of PS. Case No.-21 Year-2018 Thana- SUHAIL District- Gaya

SHIVA KUMAR @ SHIV @ SHANKAR @ SHIVNANDAN DAS Son of
Arjun Das @ Arjun Dsa Resident of Village- Pokhari, P.S.- Sohail, District-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 18-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with P.S. Case
No. 21 of 2018 registered for the offence under Section 302,
120(B) and 34 of the Indian Penal Code.

The petitioner is said to have been kidnapped and no
trace or clue is found regarding his kidnapping.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that petitioner named Md. Abid
Shad has submitted his written report before the Officer
Incharge of Sohail Police Station on 18.11.2018. He further
submits that the brother of the informant, who was practicing in



the clinic of Dr. S.S. Khan, did not reach his house. He further submits that the informant searched his brother at the houses of relatives but no trace could be found. He further submits that except written statement, none has come to an investigation against the petitioner and the co-accused persons namely Raju Bharti, Mukesh Prajapati and Kamlesh Bharti has been granted bail on..... In fact neither of the petitioner is named in the FIR. The name of the petitioner has been transpired to investigation on the basis of confessional statement, namely, Raju Bharti. The petitioner is rotting in judicial custody since 22.08.2021.

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, above named, petitioner 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 Sohail P.S. Case No. 21 of 2018 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 canceled 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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