

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5704 of 2022**

Arising Out of PS. Case No.-529 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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SUNIL KUMAR GUPTA @ SUNIL SAO S/O JAGMOHAN PRASAD
GUPTA RESIDENT OF NAYA BAZAR DEO, P.S.- DEO, DISTRICT-
AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 13-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case

registered for the offences punishable u/s 363, 365/34 and later

on added Section 302 of the Indian Penal Code.

As per the prosecution case, the informant's daughter

did not return to her home and while they were searching, they

got a call from the co-accused Nikhil Kumar who stated that he

had left her in front of Deo Gate. It further alleged that after



some times the informant again made a call then the petitioner and the co-accused person told that they were coming with the victim but they did not come.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The main allegation is against the co-accused Nikhil Kumar who has granted regular bail by the co-ordinate bench *vide* order dated **01.02.2023** passed in **Cr. Misc. No. 29204** of **2022**. Learned counsel has further submitted that the petitioner is made accused only because the petitioner is the father of the co-accused. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Aurangabad in connection with Aurangabad (Town) P.S. Case No. 529 of 2021, subject to conditions as laid down under



section 438(2) of the Code of Criminal Procedure with a condition.

1. The court below shall verify the criminal antecedent of the petitioner and at any stage, if 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.

The application stands allowed.

(Chandra Prakash Singh, J)

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