

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15363 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- PUPRI District- Sitamarhi

SARBAR IMAM @ SARBAR Son of Naushad R/V- Awapur South, Ward no. 4, P.S- Pupri, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 30.08.2022 in connection with Pupri P.S. Case No. 297 of 2022, F.I.R. dated 27.08.2022 for the offences punishable under Sections 341, 342, 363, 365, 506/34 of the Indian Penal Code.

According to prosecution case, as per written report of the informant alleging therein that her son Rahul Kumar who is about about 17 years, went to take round from his house on 29.07.2022 at 04:00 P.M. but he did not return back then the informant and her family members started searching her son but he could not be located then the informant lodged Sanha at Pupri police station on 30.07.2022. It is further alleged that on 02.08.2022 her villager Kiran Devi stated her that she had seen



Rahul Kumar along with Rehan, Sarvar, Varkat Nadaf and Rahul Das going towards Pupri Railway Station then, the informant went at the house of accused contacted them through mobile. The accused requested and threatened her not to lodge F.I.R. because her son be located by them. It is further alleged that whenever she contacted the accused who assured to locate her son not to inform police otherwise her son might be murdered by them. It is further alleged that the informant received call from mobile No. 7872708176 and 7015831815 caller phone user told her that your son is at Darbhanga and demanded ransom of Rs.3 lacs otherwise to kill her son.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 29.07.2022 but the present F.I.R. has been instituted on 27.08.2022 after delay of 28 days without any explanation of delay. He further submits that except the suspicion no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that it has come during investigation that the petitioner and other co-accused persons



have assaulted the victim on the basis of confessional statement of Md. Rahan and except the confessional statement of Md. Rehan no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence even the dead body was not found as yet by the prosecution and without the dead body of the victim the prosecution has filed the charge sheet against the petitioner and other co-accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 30.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned S.D.J.M. Pupri, Sitamarhi in connection with Pupri P.S. Case No. 297 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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