

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27825 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- GORIAKOTHI District- Siwan

Manoj Kumar @ Manoj Sah Son of Late Mahesh Sah Resident of village -
Jadhua, P.S. - Town Hajipur, Distt. - Vaishali Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 10.09.2022 in connection with S. Tr. No. 38 of 2023 arising out of Goreyakothi P.S. Case No. 190 of 2022, F.I.R. dated 28.08.2022 for the offences punishable under Sections 365, 364(A) of the Indian Penal Code.

4. According to prosecution case, the husband of the informant was kidnapped by some unknown criminals.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the



petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Sagar Kumar. He further submits that except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which he has not stated anything about the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Mukesh Paswan and Ranjeet Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 09.05.2023 passed in Cr. Misc. No. 4092 of 2023 and 4947 of 2023 respectively. The petitioner is in custody since 10.09.2022.

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

7. 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 District and Sessions Judge, Siwan in connection with S. Tr. No. 38 of



2023 arising out of Goreyakothi P.S. Case No. 190 of 2022,
subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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