

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33967 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana-LALGANJ District- Vaishali

Mukesh Kumar @ Chunnu Kumar, Son of Guddu Mahto @ Guddu Patel
Resident of Village - Jalalpur, P.s.- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh

For the Opposite Party/s : Mr. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 04-01-2023 This case is listed out of turn on account of the fact

that the petitioner has to appear in the Intermediate

Practical Examination.

Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Lalganj

P. S. Case No. 31 of 2022, registered for the offence

punishable under Section 365 of the Indian Penal Code.

The prosecution story as emerges from the FIR is

that the informant is residing in front of Suyrana temple at

Lalganj since about 8 years. It is further alleged that the son

of the informant, namely, Adarsh Kumar, aged about 13



years, who had gone out from the house on a pink colour bicycle, is missing since 26.01.2022.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. She further submits that F.I.R. has been lodge against unknown. The name of the petitioner has emerged only on the basis of confessional statement of one co-accused, Suraj Kumar, who was arrested during the course of investigation. She also submits that nothing has been recovered from the conscious possession of the petitioner. She further submits that investigation in this case is complete and charge-sheet has already been submitted.

She further submits that the petitioner has been languishing in jail since 28.01.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved earlier before this Court for grant of anticipatory or regular bail.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Ms. Sobhana Swetanki, Judicial Magistrate 1st Class, Vaishali at Hajipur, in connection with Lalganj P. S. Case No. 31 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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