

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36577 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- BARAUNI District- Begusarai

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Ram Kumar Son of Late Punit Pathak R/o vill. - Bihat Ward No.- 24, P.S.-
Barauni (FCI), Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Raj Kishor Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 14-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Barauni

FCI (op) P.S. Case No. 64 of 2022, registered for the

offences punishable under Sections 363 and 365 of the

Indian Penal Code and later on 302 and 201 of the Indian

Penal Code was subsequently added.

The prosecution case as emerging from the FIR is

that the son of the informant Anjani Kumar, who left his

home after getting a call on 31.01.2022 did not return to his

home till 03rd of February, 2022. Later on, the informant

tried to search his son but he failed to find his son.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the FIR has been lodged against unknown and case against the petitioner is based on confessional statement of co-accused Ankit Kumar. He further submits that investigation in this case is complete and charge-sheet has already been submitted but charge has not been framed till date.

He further submits that the petitioner has been languishing in jail since 26.03.2022.

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 this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged 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. C.J.M., Begusarai in connection with Barauni FCI (op) P.S. Case No. 64 of 2022, **after framing of charge, if not already framed**, 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 bond 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 bond of the petitioner.

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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