

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37453 of 2023

Arising Out of PS. Case No.-451 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Dilip Kumar @ Dilip Mandal Son of Navin Singh Resident of Village -
Manihari, P.S. - Bath, District - Bhagalpur

... .. Petitioner/S

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with S.T. Case
No. 288/2023 arising out of Sultanganj P.S. Case No. 451 of
2022 registered for the offence under Section 365 of the Indian
Penal Code subsequently added under Sections 364, 120-B, 302
and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 29.01.2023.

The allegation against this petitioner is to kidnap the
son of informant aged about 14 years alongwith other unknown
co-accused persons, who was murdered later on.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Avinash Kumar, in furtherance of which no incriminating material recovered, which may connect petitioner, *prima facie*, with the present occurrence of kidnapping and murder. It is submitted that even the key of alleged vehicle was recovered on the basis of confessional statement of co-accused Avinash Kumar, not of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases, where he is on bail, and his name surfaced in present case out of suspicion arises out of said criminal antecedents without having any connecting materials and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except confessional statement nothing appears incriminating against this petitioner on face, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.01.2023, accordingly the petitioner, above named, is directed to be released on bail in



connection with S.T. Case No. 288/2023 arising out of Sultanganj P.S. Case No. 451 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XIV, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in any nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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