

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40235 of 2023

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

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Ankit Kumar S/O Late Pawan Singh R/O Village- Bihat Ward No. 30
Ibrahimpur, P.S- Barauni (F.C.I), Distt.- Begusarai. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 26.03.2022 in connection with Barauni (F.C.I. O.P) P.S. Case No. 6 of 2022, F.I.R. dated 03.02.2022 for the offences punishable under Sections 363, 365 of the Indian Penal Code and later on 302 and 201 of the Indian Penal Code.

3. According to prosecution case, as emerging from the F.I.R. 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 3rd of February, 2022. Later on, the informant tried to search his son but he failed to find his son.

4. 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 name of the petitioner



has been transpired on the basis of reinstatement of the informant in which he has suspected that the petitioner and other accused persons have might killed his son.

5. Thereafter, the confessional statement of co-accused persons and the confessional statement of the petitioner was recorded in which they have confessed their guilt in the present occurrence and except the confessional statement of the petitioner and the co-accused persons no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused person namely Ram Kumar whose name has also come on the basis of reinstatement of the informant has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 14.02.2023 in Cr. Misc. No. 36577 of 2022. The petitioner is in custody since 26.03.2022.

6. The learned counsel for the state on the other hand vehemently oppose the prayer and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the co-accused has been granted bail by this Hon'ble Court with the direction that after framing of the charge if not already framed.

7. Considering the aforesaid facts and circumstances,



let the petitioner, above named, be released on **bail after framing of the charge if not already framed** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge – XIth , Begusarai in connection with Barauni (F.C.I. O.P) P.S. Case No. 6 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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