

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45933 of 2022

Arising Out of PS. Case No.-497 Year-2020 Thana- GARKHA District- Saran

WAKIL RAY @ BHUWAR RAY Son of Ram Naresh Ray R/v- Rampur
Ismailpur, PS- Garkha, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rananjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 364, 365 of the Indian Penal
Code.

According to prosecution case, one Badruddin Khan
submitted a written application before the S.H.O. that his son,
namely, Nasim Khan @ Tinku was taken by the petitioner for
driving. It is further alleged that the petitioner told informant
that his son Nasim Khan will live with petitioner home and
drive his vehilce. It is further alleged that on 22.09.2020 at



10:00 A.M. the mobile of the informant's son suddenly switched off, the informant approached to the petitioner but the petitioner could not answer satisfactory. That the informant has full belief that his son namely Nasim Khan @ Tinku was disappeared by the petitioner.

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 allegation as alleged in the F.I.R. is that the petitioner has taken the son of the informant for driving purpose and, thereafter, the son of the informant is traceless. He further submits that the petitioner is not the owner of any kind of vehicle and the allegation against the petitioner is false and fabricated. He further submits that it appears from the F.I.R. that the date of occurrence took place on 22.09.2020 but the present F.I.R. was lodged by the informant on 05.10.2020 after delay of 13 days without any explanation of delay. He further submits that no other cogent material has come during the investigation against the petitioner except the suspicion and the victim is major. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.05.2022.



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

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Garkha P.S. Case No. 497 of 2020, subject to the following conditions:-

1. 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.

2. 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.

3. 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)

Saurabhkrsinha/
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