

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48151 of 2022

Arising Out of PS. Case No.-631 Year-2021 Thana- SIWAN CITY District- Siwan

Sandeep Kumar Son Of Munna Prasad R/O Village- Shukla Toli, P.S.- Siwan,
District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-02-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections petitioner seeks bail 365, 364, 302, 201, 120B, 115/34 of IPC.

As per the prosecution case, the informant has instituted this case alleging that on 07.11.2021 at about 11 am his elder son Vishal Kumar Singh left house on his black Scorpio along with 2 named persons. However, his son did not return in the night. On the next day i.e. on 08.11.2021 at about 07.39 AM, the informant received a phone call from Mirgan P.S. that the said Scorpio was found abandoned and currently



parked with the Mirganj P.S. With this information the informant filed case against unknown accused persons.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the self-confessional statement of the petitioner. Further submits that the date of occurrence as alleged in the FIR is 07.11.2021 but the present FIR has been instituted on 09.11.2021 without giving any explanation of delay. Further submits that except self-confessional statement of the petitioner, no other cogent material has come during investigation and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.11.2021.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned court below where the case is pending in connection with Siwan Town P.S.Case No.631 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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