

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41271 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- GOPALGANJ TOWN District- Gopalganj

Manoj Kumar Singh Son Of Krishna Singh R/O Village- Balahata, P.S.-
Uchakagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47821 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- GOPALGANJ TOWN District- Gopalganj

AJAD ANSARI @ AZAD ANSARI Son of Nijamuddin Ansari @ Nijamudin
Ansari R/V- Balahata (Balesra), P.S- Uchakaganon, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49069 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- GOPALGANJ TOWN District- Gopalganj

AKSHAY YADAV Son of Binod Yadav Resident of Village - Ujra Narayan
Pur, P.S.- Uchkaganw, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41271 of 2022)

For the Petitioner/s : Mr. Javed Aslam, Advocate

Ms. Dvika Rani, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

For the Informant : Mr. Ajay Kumar Pandey, Advocate

Ms. Shyama Rani, Advocate

(In CRIMINAL MISCELLANEOUS No. 47821 of 2022)

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. A.G.

(In CRIMINAL MISCELLANEOUS No. 49069 of 2022)

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

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA



ORAL ORDER

3 16-02-2023 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 363, 365, 364, 302, 201 and 120(B) of the Indian Penal Code.

According to prosecution case, in brief, is that on 29.01.2022, the informant lodged information with Gopalganj Town Police Station, stating therein that on that day at 1:45 P.M. his father went to Anup Kumar Srivastava uncle of the informant but he did not reached there. The informant consulted with him on his mobile, another person received the call but talk was not completed. Thereafter his mobile was switched off and he tried to search him but failed to trace out him.

Learned counsel for the petitioner submits that petitioner Manoj Kumar Sahni carried two criminal antecedent, petitioner Ajad Ansari @ Azad Ansari has clean antecedent and petitioner Akshay Yadav carries five criminal antecedents other than the present one. He further submits that petitioners are not named in the F.I.R. and they have falsely been implicated in the



present case. He further submits that the name of the petitioners have been transpired during investigation on the basis of confessional statement of Manoj Kumar Singh and other co-accused persons. He further submits that the confessional statement before the police has got no evidenciary value. He further submits that except the confessional statement no other cogent material has come during investigation against these petitioners. The petitioners namely, Manoj Kumar Sahni and Ajad Ansari @ Azad Ansari are in custody since 02.02.2022 and petitioner namely, Akshay Yadav is in custody since 28.01.2022.

The learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioners and submits that it has come during investigation that the petitioners are involved in the present occurrence.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gopalganj (Town) P.S. Case No. 75 of 2022, subject to the following conditions:-



1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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