

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56060 of 2023

Arising Out of PS. Case No.-185 Year-2023 Thana- MALSALAMI District- Patna

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PANKAJ KUMAR @ PANKAJ RAI SON OF ARJUN GOP @ARJUN RAI
RESIDENT OF VILLAGE -RIKABGANJ WARD NO 72,P.S
-MALSALAMI, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Malsalami P.S. Case No. 185 of 2023 registered under Sections 363, 365, 302 and 120(B) of the Indian Penal Code lodged on 09.03.2023 by the informant, Chanarak Saw.

As per the prosecution story, the written complaint was lodged that the grandson of the informant was missing since 07.03.2023 and did not return. Accordingly, the FIR.

It is the case of the petitioner that the boy went missing on 07.03.2023 but the FIR was lodged on 09.03.2023. It is a case of last seen, he has been unnecessarily implicated, as per the post-mortem report of the missing-deceased, the cause of



death has been recorded as road traffic accident by the Sadar Hospital, Hajipur, Vaishali (Annexure P-2).

Learned APP opposes the prayer for bail.

Taking into account the facts recorded, delay in lodging of the FIR and further the post-mortem report of the Sadar Hospital, Hajipur Vaishali which has shown the cause of death due to road accident, he is a boy of 22 years and is in custody since 05.04.2023, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., - I, Patna City, Patna in connection with Malsalami P.S. Case No. 185 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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