

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58847 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- MALSALAMI District- Patna

CHOTU @ CHAINIZ son of Binod Jha @ Vinod Thakur Village- Jamunapur
Ps- Malsalami Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Malsalami P.S. Case No. 165 of 2022 registered under Sections 363, 365/34 of the Indian Penal Code and later added Section 302, 201 and 120B of the Indian Penal Code lodged on 21.03.2022 by the informant, Hareshwar Singh.

3. As per the prosecution story, the allegation is that the informant's son, Aryan Kumar went with his friend Sharukh and Tufani. Thereafter, son of the petitioner became traceless. Accordingly, the FIR.

4. Subsequently, the dead body was found and Section 302 of the Indian Penal Code is added.

5. During investigation, the accused, Tufani made



confessional statement and named this petitioner, accordingly, he came into judicial custody.

6. It is the case of the petitioner that beside him, Tufani had also named Prince Thathera and Monu Kumar and both have been granted in Cr. Misc. No. 5053 of 2023 and Cr. Misc. No. 31247 of 2023 respectively by a co-ordinate Benches of the Court, he has remained in judicial custody since 23.10.2022 (as stated in paragraph-8 of the petition) and do not have criminal antecedent.

7. Learned APP opposes the prayer for bail stating that his name has come in the confessional statement.

8. Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the fact that similar situate accused persons, as narrated above, has since been granted bail and he is in custody since 23.10.2022, this Court is inclined to grant him privilege of bail.

9. 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 Additional District and Sessions Judge, Patna City, Patna in connection with S.Tr. No. 765 of 2023 arising out of Malsalami P.S. Case No. 165 of 2022 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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