

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62175 of 2022

Arising Out of PS. Case No.-55 Year-2020 Thana- MEDNI CHAUKI District- Lakhisarai

MD. SONU S/o Md. Gani R/v- Abgil Rampur, P.S.- Mednichouki, District-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 07.05.2022, in connection with Medinichouki P.S. Case No. 55/2020 (G.R. No.907/2020), F.I.R. dated 23.06.2020, for the offences punishable under Section 363 of the Indian Penal Code and later on Sections 302/201 of the Indian Penal Code were added.

According to prosecution case, the informant's son namely Sandeep Kumar was sleeping on the roof, became traceless from 21.06.2020 morning. He was accused in a case and had been released on bail some time back. Later on his dead body was recovered from a bush on 23.06.2020.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of re-statement of the informant and confessional statement of co-accused persons, namely, Md. Gani and Md. Farooque. He further submits that except the confessional statement of the co-accused persons and suspicion, no other cogent material has come during investigation against the petitioner to connect the implication of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner and similarly, co-accused, namely, Md. Gani and Md. Farooque have been granted bail by a co-ordinate Bench of this Court vide order dated 16.03.2021 passed in Cr. Misc. No. 37479 of 2020, other co-accused namely, Md. Akhtar has been granted bail vide order dated 19.09.2022 passed in Cr. Misc. No.34577/2022 and other co-accused namely, Jiveda Khatoon and others were granted anticipatory bail vide order dated 09.08.2021 passed in Cr. Misc. No. 3760/2021. The petitioner is in custody since 07.05.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of



the petitioner on the ground that the petitioner carries five criminal antecedent.

Considering the aforesaid facts and circumstances, 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 the learned A.C.J.M.-1st, Lakhisarai, in connection with Medinichouki P.S. Case No. 55/2020 (G.R. No.907/2020), 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)

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