

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69841 of 2022

Arising Out of PS. Case No.-252 Year-2017 Thana- GAYA KOTWALI District- Gaya

Munna Prasad @ Munna Kumar Son of Brijpan Singh @ Brijpal Prasad R/o
Mohalla- Rajendra Path, Mirchaiya Gali, P.S.- Kotwali and District- Gaya
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.07.2022 in connection with Kotwali P.S. Case No. 252 of
2017, F.I.R. dated 31.05.2017 for the offences punishable under
Sections 365 of the Indian Penal Code and later same has been
converted Section 302, 201 and 34 of the Indian Penal Code.

Allegation is of kidnapping the mother of the
informant and later on dead body of the mother of the informant
was found.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Sanjay Kumar who is son-in-law of the deceased and except the confessional statement of the co-accused namely, Sanjay Kumar no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Sanjay Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 11.10.2017 passed in Cr. Misc. No. 45553 of 2017. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 252 of 2017, 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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