

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73211 of 2022

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

LALBABU SAH Son of Akalu Sah Resident of Village - Balesra, P.S.-
Uchkagaon, District – Gopalganj. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 02.02.2022 in connection with S.Tr.No.495 of 2022 arising out of Gopalganj Town P.S. Case No. 75 of 2022, F.I.R. dated 29.01.2022 registered for the offence punishable under Sections 363 and 365 of IPC and later on Sections 364,302,201,120B of the IPC were added.

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 appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Manoj Kumar Singh. Further submits that except the confessional statement of the co-accused person, namely, Manoj Kumar Singh, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but he fairly submits that out of two cases, the petitioner is on bail in one case and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

Considering the facts and circumstances of the case, 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 learned Additional



Sessions Judge-X, Gopalganj in connection with S.Tr.No.495 of 2022 arising out of Gopalganj Town P.S. Case No. 75 of 2022,with 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/her absence on two consecutive dates without sufficient reason, his/her 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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