

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6825 of 2024

Arising Out of PS. Case No.-181 Year-2017 Thana- GURUA District- Gaya

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Lalit Kumar @ Lalit Choudhary S/O Rajkumar Chaudhary Village-
Sadosaray, Ps. Salaiya, Dist. Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shyam Kishore, Advocate
	:	Mr.Rishi Sinha, Advocate
For the Opposite Party/s	:	Mr.Mukesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Gurua
P.S. case No. 181 of 2017 instituted for the offences under
Sections 366, 376, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged date
and time, the daughter of the informant had left her house to
Gurua College to fill the form of the Intermediate Examination
alongwith one Sweta Kumari but both of them did not return. It
is suspected that that someone had kidnapped them.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case. The present case is misuse of privilege of bail



earlier granted to the petitioner. Earlier the petitioner was granted bail in the year 2018 by the learned Court below. It is submitted that on 24.03.2021, the court proceedings could not be held due to corona pandemic. On 17.05.2022, a petition under Section 317 of the Cr.P.C. was filed on behalf of the accused persons including this petitioner and the case was fixed on 27.09.2022. On 27.09.2022, the petitioner could not appear and summons were issued against him. On 29.03.2023 bailable warrant was issued against the petitioner. Thereafter, the case was adjourned for 03.09.2023 and 31.10.2023 for appearance. On 31.10.2023, the learned Court ordered for compliance of the order dated 29.03.2023 and the case was fixed on 24.01.2024. The petitioner surrender in the court below on 01.12.2023. Thus, there is misuse of privilege of bail for the period from 27.09.2022 to 31.10.2023. He further submitted that summon and the warrant were not served on him properly nor any service report has been received in the learned court below. Learned counsel further submitted that petitioner undertakes to abide by any conditions imposed by this Court, if released on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, the period of custody undergone by the petitioner and the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gurua P.S. case No. 181 of 2017, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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