

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28695 of 2024

Arising Out of PS. Case No.-548 Year-2021 Thana- SARAIYA District- Muzaffarpur

Manu Kumar @ Abhimanyu Kumar son of Sahindra Sahni Village- laxmipur
Bahilwara Ps- Saraiya Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. (Dr.) Bipin Chandra, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2024 Heard Mr. (Dr.) Bipin Chandra, the learned counsel
for the petitioner and Mr. Mohammed Arif, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Saraiya PS Case No. 548 of 2021, FIR dated
02.08.2024, registered for the offences punishable under
Sections 365, 366 (A) and 34 of the Indian Penal Code.

3. According to the prosecution case, Deepak Kumar
who is the relative of informant, taken her daughter namely,
Nisha Kumari. Informant tried to search her but she could not
get success. She further alleged that she received threatening
calls from the co-accused persons namely, Deepak Kumar, Sonu
Kumar, Nawal Sahni, Sabita devi and also from the petitioner.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground of previous enmity. He further submits that for the occurrence of 27.07.2021, the FIR has been lodged with inordinate delay of 7 days, i.e., on 02.08.2021. There is no specific allegation against the petitioner. Moreover, the victim, in her statement recorded under Section 164 Cr. P.C., has not specifically alleged against the petitioner.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, FIR has been lodged with inordinate delay of seven days and in the FIR, there is no specific allegation against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 ACJM, IV (West) Muzaffarpur where the case is pending in connection with **Saraiya PS Case No. 548 of 2021**,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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