

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70564 of 2023

Arising Out of PS. Case No.-4 Year-2022 Thana- C.B.I CASE District- Muzaffarpur

Aman Kumar Son Of Arun Sah Resident Of Village - Barmadiya, P.S. - Chakiyia, District - East Champaran, At Present Resident Of - Laxmi Chowk, Pawariya Tola, P.S. - Brahampura, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The S.P./HOB, C.B.I., Ssb, Patna, Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s	:	Ms. Indu Kumari Srivastava, APP
For the CBI	:	Mr. Avnish Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-01-2024 Heard Mr. Alok Kumar Alok, learned counsel for the petitioner, Mr. Avnish Kumar Singh, learned counsel appearing on behalf of the CBI as well as Ms. Indu Kumari Srivastava, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 08.03.2021 in connection with CBI/SSB/Patna RC092202250004/2022 arising out of Brahampura P.S. Case No. 58 of 2021, F.I.R. dated 20.12.2022 for the offences punishable under Section 363 of the Indian Penal Code.

3. Earlier the bail application of the petitioner was rejected by this Hon'ble Court vide order dated 06.04.2022 passed in Cr. Misc. No. 55398 of 2021.



4. 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 allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that it has come during investigation on the basis of minor person that they have stated that the petitioner has taken away the victim from the playground. He further submits that till date the CBI has not filed the charge sheet against the petitioner and the petitioner is in custody since 08.03.2021.

5. The learned counsel appearing on behalf of the CBI as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner has abducted the victim and thereafter the victim was traceless and even the dead body of the victim was not found.

6. Considering the aforesaid facts and circumstances that the CBI has not filed charge sheet against the petitioner and the period of custody, 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 Special Judge, CBI, Muzaffarpur in connection with CBI/SSB/Patna RC092202250004/2022 arising out of Brahampura P.S. Case No. 58 of 2021, subject to the following conditions:-

i. 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.

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 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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