

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10970 of 2016

Arising Out of PS.Case No. -62 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

1. ASHUTOSH KUMAR JAIN @ ASHUTOSH JAIN son of Sri Shikhar Chand Jha, resident of Village- Bazar Baruaa Sagar, P.S.- Jhanshi District- Jhanshi, Uttar Pradesh

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwari (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

7 24-05-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is languishing in jail custody since 31.07.2015 in a case registered for offences punishable under Sections 363/365 of the I.P.C.

The prosecution case, as alleged in the written report of one Kamlesh Singh submitted before the Officer-in-charge of Ara (Town) Police station is that his son namely, Aman Kumar @ Sonu was kidnapped from home at Charkhamba village and search was made but not traced out.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, having committed no



offence and in the statement of one Ajay Kumar, who was using his mobile for ransom, petitioner's name has surfaced. It has further been submitted that since the petitioner has friendly relations with the said Ajay Kumar, the amount of Rs. 10,000/- was on his instructions, deposited in the petitioner's account. He further submits that the petitioner is working as Security Guard in Panacea Intelligence Security Agency and undertakes not to tamper with the prosecution evidence. He further submits that the F.I.R. has been lodged after two days of occurrence and no plausible explanation has been given for the said delay.

However, learned A.P.P. for the State submits that the victim is minor and still traceless and money was deposited in the account of the petitioner, although, he is not named in the F.I.R. but opposes the prayer for bail.

Be that as it may, since the petitioner is not named in the F.I.R. and the mobile of another co-accused was used for demanding the ransom and considering the period of custody, let the above named petitioner, Ashutosh Kumar Jain @ ashutosh Jain is directed to 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 learned Chief Judicial Magistrate, Ara in connection with Ara (Town) P.S.Case No. 62/2015.

However, it is made clear that if the petitioner is involved in case of similar nature in future, the learned Court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J)

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