

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9510 of 2016

Arising Out of PS.Case No. -1 Year- 2015 Thana -MITHANPURA District- MUZAFFARPUR

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1. Vicky Kumar @ Vicky Masih S/o Late Babu Sah R/o - Chuna Bhatthi
Road, Malighat, Durgapuri, P.S. - Mithanpura, District - Muzaffarpur.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner in judicial custody since 05.01.2015 in
connection with Mithanpura P.S.Case No. 01/2015 for offences
alleged under Sections 363, 365 and 34 of the Indian Penal Code.

The prosecution case is that informant, Mamta Devi
alleged that on 29.12.2014 at about 12.30 P.M., one Amar Kumar
took her son Mani Prabhash, aged about 12 years on the pretext of
excursion towards BMP 6, which was seen by the daughter and
neighbour of the informant, but the son of the informant did not
return and the petitioner took him away to Nepal. In telephonic
talk, the petitioner confessed that he has come with boy to Nepal
and earlier assurance was given to return the boy but the son of the
informant remained traceless and it is alleged that the petitioner
and other co-accused after kidnapping him, made him traceless.

It has been submitted by the learned counsel for the petitioner that he is nephew of the main accused Amar Kumar and has no complicity in the commission of the offence rather he has all along shown his inclination along with the parents of the traceless boy for recovery of the said victim boy.

It has further been stated that the parents of the victim boy are on inimical terms with the petitioner's family, hence, they have been falsely implicated and F.I.R. has been lodged after five days of the alleged occurrence. Furthermore, it is submitted that charge sheet has already been submitted and there is no chance of tampering with the evidence.

However, learned A.P.P. for the State submits that the victim is still traceless and the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

In the facts and circumstances, since Amar Kumar has already been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 55663 of 2015 on 10.02.2016, let the petitioner, Vicky Kumar @ Vicky Masih 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 Sub Divisional Judicial Magistrate, East Muzaffarpur in connection with Mithanpura P.S. Case No. 1/2015 with following conditions :-

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- I) One of the bailors will be the close relative of the petitioner.
- II) The petitioner will not indulge in similar or in any other offence.
- III) The petitioner will be well represented in the Court.
- IV) In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the Court concerned.

However, it is made clear that since the petitioner has a criminal antecedent and is involved in Goraul P.S.Case No. 130/2013, as is evident from para-3 of the petition, if the petitioner in future is found to be involved in a case of similar nature as the present one, learned Court below will be at liberty to cancel the bail bonds of the petitioners without being prejudiced by this order.

(Nilu Agrawal, J)

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