

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39801 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -RANIYATALAB District- PATNA

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Divyanshu Kumar @ Divyanshu Kumar Sharma S/o Krishana Dhar Singh,
R/o Village-Kab, P.S.-Rani Talab District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Jyoti

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.03.2017 in connection with Rani Talab P.S. Case No. 20 of
2017 for offences punishable under Sections 365, 367, 368, 120B
and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that Khalasi of his tractor Raju Kumar was taken away by the co-
accused Kundan Kumar and Happy Kumar and he got a call from
the mobile of the petitioner that Khalasi of his tractor has been
kidnapped.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the victim has been recovered and in his statement under Section 164 Cr.P.C. he has only named Kundan Kumar and Happy Kumar and stated that the brother of the petitioner had gone with firearm to his house and threatened his mother and father.

However, learned APP for the State opposes the prayer for bail stating therein that the victim in his statement under Section 164 of the Cr. P.C. which is para-6 to the case diary has stated that the petitioner along with co-accused Kundan Kumar and Happy Kumar had taken him to the hotel of the petitioner from where the petitioner was recovered. He submits that witnesses have also supported the prosecution case that the victim was seen along with the petitioner and two other co-accused.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of one year in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur in connection with Rani Talab P.S. Case No.20 of 2017, subject to the condition that both bailors would be



close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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