

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43335 of 2017

Arising Out of PS.Case No. -168 Year- 2017 Thana -MINAPUR District- MUZAFFARPUR

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Shivbalak Pandit Son of Kapu Pandit, R/o Village- Khemaipatti, P.S.-
Minapur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-11-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The Petitioner seeks regular bail in connection with
Minapur P.S. Case No. 168 of 2017 for offences alleged under
Sections 364A/120(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant is that
his ten year old son Bablu Kumar was traceless from the house. It
is alleged that one Abhishek Kumar Srivastava kidnapped his
minor son.

It has been submitted by the learned counsel for the
petitioner that he is innocent, has no criminal antecedent and has
been falsely implicated in the aforesaid case. He submits that his
name surfaced only on the confessional statement of co-accused
Abhishek Kumar Srivastava, who had concealed the son of the
informant in the petitioner house. Apart from that there is no other
allegation against the petitioner and that charge-sheet has already been



submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the victim minor boy has been recovered from the house of the petitioner and his complicity is there in kidnapping of the victim boy.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P.S. Case No. 168 of 2017, subject to the following conditions-

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner

2. 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.

(Nilu Agrawal, J)

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