

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35482 of 2017

Arising Out of PS.Case No. -427 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. Barku Patel @ Shekhar Bhai Patel Son of Late Sita Ram Patel, R/o
Village- Ekchari Rasalpur, P.S.- Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
05.12.2016 in connection with S.Tr. No. 530/17, arising out of
Kahalgaon P.S. Case No. 427/16 for offences punishable under
Sections 364-A/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his son Md. Ajmer @ Md. Anwar aged about 21 years had
gone to meet his elder uncle and did not return. At 12.00 O'clock
informant got a telephonic message from his daughter that the
victim boy had been kidnapped and the accused persons were
asking for ransom of Rs. 2,60,000/-.

It has been submitted by the learned counsel for the



petitioner that he is innocent, neither named in the First Information Report nor named by the victim boy in his statement under Section 164 Cr.P.C. He submits that co-accused Sonu Jha, who has been named by the victim boy in his statement under Section 164 Cr.P.C., has since been granted privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 24087/2017 on 17.05.2017 and other co-accused has also been granted privilege of bail in Cr. Misc. No. 21193 of 2017 on 09.05.2017. He further submits that the victim boy has been recovered and no such occurrence took place.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-1, Bhagalpur, in connection with S.Tr. No. 530/17, arising out of Kahalgaon P.S. Case No. 427/16, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an



affidavit stating his 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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