

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26906 of 2018

Arising Out of PS. Case No.-62 Year-2017 Thana- BOCHHA District- Muzaffarpur

Sunil Kumar, S/o Rambabu Rai, Resident of Village- Roshi, P.S.- Bochaha,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-05-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner had earlier prayed for bail, which was rejected vide order dated 11.10.2017 passed in Cr. Misc. No. 39507 of 2017. Petitioner is languishing in judicial custody since 25.04.2017 in connection with Sessions Trial No. 466 of 2017, arising out of Bochaha P.S. Case No. 62 of 2017 registered for the offence punishable under Section 364A of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his son Om Ankur Prajapati, a student of Class-IX went to school, but did not return. Thereafter, a call was made for a ransom of Rs. 7 lakhs.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history, the victim boy has been recovered and in the statement under Section 164 of the Cr.P.C. he has not named the petitioner. He further submits that the co-accused, who had been named by the victim boy, has since been granted the privilege of bail by this Court in Cr. Misc. No. 36846 of 2017 vide order dated 22.08.2017. He submits that just because he is the driver of Ravi Kumar in whose house the victim boy was found tied with the rope, he has been made accused in the present case. He submits that even the co-accused, Ravi Kumar has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 13055 of 2018 vide order dated 18.04.2018. He submits that charges have already been framed and the petitioner undertakes to cooperate in trial on day-to-day basis.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that during Test Identification Parade, petitioner has been identified.

Be that as it may, considering the facts and that other co-accused have already been granted the privilege of bail, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned



A.D.J. 7th, Muzaffarpur in connection with Sessions Trial No. 466 of 2017, arising out of Bochaha P.S. Case No. 62 of 2017, subject to the conditions that:

(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

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