

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52923 of 2019

Arising Out of PS. Case No.-255 Year-2016 Thana- DANAPUR District- Patna

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HARIOM KUMAR Son of Trivuan Prasad Resident of Village - Kurmiyan
Gali (Gavtal), P.S.- Danapur, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 387, 120(B) of the Indian Penal Code registered in connection with Danapur P.S. Case No. 255 of 2016.

3. It is submitted that the petitioner has been falsely implicated in connection with the accusation that five unknown persons stopped the informant on the road and demanded Rs. 5,00,000/- as ransom on the point of pistol, threatening to kill the informant on failure of payment. The petitioner is not named in the FIR rather his name along with co-accused Ramit Kumar has surfaced on the extra judicial confessional statement of co-accused Kallu @ Chhotu in Danapur P.S. Case No. 256/2016. Except such confessional statement there is no objective material to connect the petitioner with the alleged occurrence. A specific stand has been taken that the mobile no. 9504993195 from which the extortion call was made does not belong to the petitioner. Similarly situated co-accused Ramit Kumar has been granted anticipatory bail by this Court in Cr. Misc. No. 2816 of 2017. The petitioner is accused in one prior case being Danapur P.S. Case No. 256/2016, which was also on the basis of confessional statement of co-accused Kallu @ Chhotu.



4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Danapur, in connection with Danapur P.S. Case No. 255 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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