

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 56926 of 2019**

Arising Out of PS. Case No.-313 Year-2019 Thana- KESARIA District- East Champaran

SHYAM KUMAR SAH Son of Dinesh Sah Resident of Village - Koynam,  
P.S.- Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vinay Kumar Mishra  
For the Opposite Party/s : Mr.Gulnar Begum

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

3      16-11-2019      Heard learned counsel for the parties.

Petitioner apprehend his arrest in a case registered for the offence punishable under Sections 363 and 365 of the Indian Penal Code.

Informant in his written complaint has alleged that his son had gone with Roushan Yadav and Praveen Kumar Yadav for videography in the shop of Navin Yadav and when he did not return then he searched him and during course of search he learnt that FIR named accused have kidnapped his minor son. Petitioner is not named in the FIR.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. The victim boy was recovered and his statement under Section 164 of the Cr.P.C was recorded but he has not levelled any allegation



against the petitioner. It has been further submitted on behalf of the petitioner that the name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Sonu Kumar. Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Kesaria P.S. Case No. 313 of 2019**, subject to the conditions laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(S. Kumar, J)**

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