

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77873 of 2018

Arising Out of PS. Case No.-337 Year-2018 Thana- KADAMKUAN District- Patna

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Deshant Kumar Kushwaha Son of Surya Narain Mehta Resident of Basmatia,
P.S. Narpatganj, District - Araria. At Present - New Jaganpura renter in the
house of shyamdeo Singh , P.S. R.K. Nagar, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmeshwar Mehta

For the Opposite Party/s : Mr.Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

04-01-2019

Heard learned counsel for the parties.

Petitioner seeks bail in **Kadam Kuan P.S. Case No.337 of 2018** registered for the offence punishable under Sections 364(A), 120(B) and 34 of the Indian Penal Code.

Informant in his written report has alleged that on 16.06.2012 at about 12:00 noon his driver Mukesh Singh along with his associates Jamil Akthar Subhani and 5 to 6 persons took his father, namely, Anil Kumar Gupta for visiting Rajgir, Mundeshwari and Deo, it is further alleged that from mobile phone of his father, the driver Mukesh Singh informed that 5/7 persons have captured them. They asked the him to deliver Rs.50,00,000/- otherwise, his father would be killed by them. It is further alleged that Mukesh Singh and Jamil Akhtar Subhani



along with their associates in conspiracy with each other have kidnapped his father for ransom.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. He is not named in FIR. No incriminating material has been recovered from his possession. Name of the petitioner has surfaced in this case on the basis of confessional statement of other co-accused. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 05.11.2018 passed in Cr. Misc. No. 65654 of 2018. Petitioner has got no criminal antecedent and is in custody since 19.06.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Patna**, in connection with **Kadam Kuan P.S. Case No.337 of 2018** 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 absence on two consecutive dates without sufficient reason, his 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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