

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14768 of 2020

Arising Out of PS. Case No.-46 Year-2003 Thana- LAHERIMUHALLA District- Nalanda

BIRENDRA KUMAR, Son of Sadhu Sharan, Singh Resident of Village-
Soradih, P.S-Harnaut (Telmar) and District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Ansar Ul Haque, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-07-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 363, 364/34 of the Indian Penal Code.

Allegation as per FIR, Devendra Kumar @ Pappu Kumar is that his son Sonu Kumar aged about 3 and half years has been kidnapped by three miscreants in conspiracy with his neighbours Putus Kumar, Jai Pati Prasad, Sanjay Kumar and Ram Ratan Prasad. The informant fully believed that these persons have hand in kidnapping of his son because they were seen with the veteran criminals Birendra (petitioner) and Shailendra and after kidnapping, the said persons were not seen.

Learned counsel for the petitioner submits that the



petitioner is innocent has not committed any offence much less the offence alleged against him and he is simple a victim of false implication in this case only on the basis of mere suspicion. The said case was fixed on 07.07.2005 on the point of cognizance and notice was issued to the informant, but thereafter, the informant of this case left his pairvi and lastly on 06.02.2010 the cognizance of the offences has been taken and summoned to accused persons including the petitioner to secure their attendance but admittedly no summon has been served upon the petitioner due to which he could not get knowledge about this case. During the course of investigation nothing material has come against the petitioner to show his complicity in the crime as alleged. The petitioner has got no criminal antecedent.

Learned APP for the State has opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the



satisfaction of the learned A.C.J.M.-1st, Nalanda at Biharsharif,
in connection with Laheri P.S. Case No. 46 of 2003, subject to
the conditions as laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anjani Kumar Sharan, J)

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