

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35206 of 2020

Arising Out of PS. Case No.-273 Year-2020 Thana- BUXAR District- Buxar

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MUKESH THAKUR Son of Ram Sajiwan Thakur Resident of Village -
Sakhaura, P.S. - Piar, District - Mujaffarpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 363, 364 A & 120B of the Indian Penal Code.

The prosecution case, in brief, is that one renter of



her house, namely, Abhay Kumar Yadav mixed with the family as member and always took her grandson Shivam for entertainment, who is one and half year old, and went outside the house. After much delay when he did not come then a search was made. Thereafter a message came on the mobile for demanding Rs.75 lacs.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case with ulterior motive. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement made by Akash @ Abhay which has no evidentiary value in the eye of law. The petitioner has no criminal antecedent and has been languishing in custody since 30.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No.273 of 2020.

(Anjani Kumar Sharan, J)

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