

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17970 of 2021**

Arising Out of PS. Case No.-401 Year-2017 Thana- KAHALGAON District- Bhagalpur

SAJAN KUMAR @ SAJO SON OF AMBIKA YADAV RESIDENT OF
VILLAGE- TINTANGA KARARI, P.S. GOPALPUR, DISTRICT-
BHAGALPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sandeep Jha, Advocate
	:	Mr. Rajesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kahalgaon P.S. Case No. 401 of 2017 registered for the offences punishable under Sections 364(A)/34 of the Indian Penal Code.

As per the prosecution story, on 26.07.2017 the son of the informant after finishing admission process in college proceeded from Kahalgaon railway station. The informant was



at Bhagalpur Court and about 1.00 pm he got a call on his mobile and was informed that his son has been kidnapped and Rs. 30,00,000/- were demanded for his release. The informant requested to have a chat with his son but the call was disconnected. On inquiry he came to know that his son has not returned since 26.07.2017 from the time he went to railway station.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the F.I.R. is against the unknown persons and the other co-accused have been granted bail. Learned counsel submits that the petitioner is in custody since 13.09.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears to this Court that the case was lodged in the year 2017, the present petitioner is in custody since 13.09.2020 and the impugned order records that the investigation against the petitioner has not been completed so far, the other two co-accused have been granted bail and the victim boy has already been recovered, let the petitioner above



named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Kahalgaon P.S. Case No. 401 of 2017 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.

