

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20122 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- RISIYAP District- Aurangabad

DEVA KUMAR SINGH Son of Nagdeo Singh Resident of Village- Jainagra,
P.S.- Nabinagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Adv. Mr. Pramendra Kumar Singh, Adv.
For the Informant		Mr. N.K. Agrawal, Sr. Adv.
For the State		Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-11-2021

Heard the learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence punishable under Section 364/120B of the Indian Penal Code.

Prosecution case is that while the informant along with his brother and others were returning from the court in a car, five named accused persons on the point of pistol kidnapped Rahul Singh (brother of the informant).

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case. He submits that allegation levelled against the petitioner is general and omnibus. As per FIR, informant along with his brother Rahul Singh (deceased) had gone to Aurangabad court for furnishing bail bond. They were accompanied by one Law Kush



Kumar Singh and the petitioner. Informant has not taken the name of the petitioner in the middle portion of the FIR, but in the last portion of the FIR, informant took the name of the petitioner and other accused persons. He submits that the petitioner is not named as the person who is alleged to have abducted the deceased along with swift car. The informant named five accused persons in the FIR along with 5-6 unknown. He further submits that the petitioner has five criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 01.10.2020.

However, learned counsel for the informant and State vehemently oppose the prayer for bail and submits that petitioner was also involved in the present case.

Considering the facts and circumstances of the case and the fact that the name of the petitioner has not been taken by the informant in the middle portion of the FIR but later on his name has been taken, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Risiap P.S. Case No. 72 of 2020, subject to the conditions:



(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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