

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25892 of 2020

Arising Out of PS. Case No.-780 Year-2019 Thana- JAKKANPUR District- Patna

Chitranjan Kumar, Son of Late Doman Gope, Resident of Village-Chhati Kawai, P.S.- Shahjahanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ansul, Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 24-09-2021 The matter has been taken up today for consideration through video conferencing.

Heard Mr. Yogesh Chandra Verma, learned Senior Counsel representing the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Jakkanpur P.S. Case No.780 of 2019 registered for the offence punishable under Sections 363 and 365 of the Indian Penal Code.

The informant has alleged that she spoke to her husband on the mobile phone of the petitioner, who is a staff working in a lodge where her husband used to stay near the bus stand.



The submission of the learned Senior Counsel is that if the petitioner had any intention of kidnapping, he would not have allowed the husband of the informant to speak to her on his mobile phone. Even in course of investigation, as per the material in the case diary, the victim was seen with the petitioner; and in a drunken state was made to get down from the bus in which they were travelling. Other than suspicion based on these circumstances, there is no material to show that the petitioner has indulged in the offence. He further submits that till date, the husband of the informant has neither been recovered nor his dead body has been recovered. Under such circumstances, the petitioner continues to be in custody since 15.01.2020.

Learned APP for the State has opposed the prayer for bail. She has submitted that it was the last conversation of the informant with her husband was on the mobile phone of the petitioner and she had been informed that he was in an inebriated condition. All the circumstances indicate that the petitioner would be responsible.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by



the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna, in connection with Jakkanpur P.S. Case No.780 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor 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 date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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