

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 4822 of 2021**

Arising Out of PS. Case No.-197 Year-2019 Thana- SAKRI District- Madhubani

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SANTOSH JHA @ SANTOSH KUMAR JHA SON OF LATE VIJAY NATH
JHA RESIDENT OF VILLAGE - KANHAULI, P.S. - MANIGACHI,
DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms Aprajita, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 15-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Sakri Police Station (for
brevity, *PS*) Case No 197 of 2019 dated 17.12.2019 instituted
for the offence punishable under Sections 363, 365/34 of Indian
Penal Code.

Informant's father has alleged that on account of some
illicit liquor trade dealing of his elder son with accused persons,
including the petitioner, his younger son has been kidnapped.
The statement of the younger son has been recorded under
Section 164 of Criminal Procedure and based on photostat copy
of the same, which has been annexed to the bail application, the
petitioner's counsel submits that though from the prosecution



version, it appears that the accused persons were known to the family of the victim, surprisingly, the petitioner's name has not been taken by the victim. He has only named the other co-accused, namely, Ajeet Jha @ Ajit Jha and Ranjneet Jha @ Ranjit Jha in the statement wherein he has stated that he was forcibly taken away by these persons. The said two persons, named by the victim, have been allowed bail by this Court in Cr Misc No 13518 of 2020. There is one antecedent of the petitioner, as mentioned in paragraph 3 of the petition and it is stated that he is in custody now since 17.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani in Sakri PS Case No 197 of 2019 dated 17.12.2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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