

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5522 of 2021**

Arising Out of PS. Case No.-469 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

MANISH KUMAR Son of Raj Kumar Resident of Village - Binda (Narauli),
P.S.- Mushahari, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-04-2021 Heard learned counsel for the petitioner and Mr. Bharat
Bhushan, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Sahebganj P.S. Case No. 469 of 2020 registered
for the offences punishable under Sections 364A, 120B/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
present FIR has been lodged by the informant regarding of her son
and demand of ransom by the kidnapper.

Learned counsel submits that the petitioner is innocent
and has falsely been implicated in the present case. It is submitted
that the kidnapped boy has been recovered and has not made any
statement against the petitioner. It is further submitted that the
name of the petitioner has transpired in the confessional statement



of the co-accused. The petitioner is in jail since 04.09.2020 having no criminal antecedent.

Learned APP 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 is the submission of learned counsel for the petitioner that the kidnapped boy has been recovered and he has not made any statement against the petitioner, the name of the petitioner has transpired in the confessional statement of the co-accused and he has otherwise no criminal antecedent, he has remained in jail in connection with the present case since 04.09.2020, investigation against him is complete and at this stage there is no submission of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, West, Muzaffarpur, in connection with Sahebganj P.S. Case No. 469 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

