

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2366 of 2022

Arising Out of PS. Case No.-5 Year-2020 Thana- GHOSWARI District- Patna

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RAUSHAN KUMAR @ ROUSHAN KUMAR Son of Dinesh Lal Resident
of Village - Doctor Toli Mokama, P.s.- Mokama, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey
For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-03-2022 Heard Mr. Manoj Kumar Pandey, learned counsel for
the petitioner and Mr. Nityanand, learned counsel for the State.

Petitioner renews his prayer for bail in connection
with Sessions Trial No. 268 of 2021 arising out of Ghoshwari
P.S. Case No. 05 of 2020 registered for the offence under
Section 364 (A) / 34 of the I.P.C. inasmuch as earlier bail
application of the petitioner was rejected by this Court by order
dated 11 / 11 / 2020 passed in Cr. Misc. No. 23941 of 2020 with
liberty to the petitioner to renew his prayer for bail after nine
months if the trial does not show any progress.

Name of the petitioner has come on the basis of
confessional statement of the co-accused / Ram Niwas Kumar
and in his self inculpatory confessional statement for kidnapping
the son of the informant and demanding a sum of Rs. 10 lakh as



ransom.

Learned counsel for the petitioner submits that petitioner is in custody since 18-01-2020 having no criminal antecedent. He further submits that the co-accused on whose confession name of the petitioner has come has been granted bail by a Bench of this court in Cr. Misc. No. 61792 / 2021.

This court vide its order dated 02 / 02 / 2022 has called for a report regarding the present stage of the trial and in pursuance thereof the report has been furnished by learned In-charge Additional District and Sessions Judge-IV, Barh, Patna vide letter no. 19 dated 16 – 02 - 2022 and from perusal of the report it appears that out of five witnesses , three witnesses have been examined .

Regard being had to the submissions made by the parties, taking into consideration the period of custody of the petitioner i.e. since 18 / 01 / 2020, the fact that he has got no criminal antecedent, co-accused has been granted bail by this court, there is no likelihood that petitioner will abscond or tamper with the evidence if released on bail and this is 2nd attempt for grant of bail on behalf of the petitioner, as such, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bond of Rs. 20,000/-
(twenty thousand) with two sureties of the like amount each to
the satisfaction of learned A.D.J. IV, Barh, District Patna in
connection with S.T. No. 268 of 2021 arising out of Ghoshwari
P.S. Case No. 05 of 2020 on the following condition:-

(a) that the petitioner shall remain present
on each and every date during the course of trial
and in case of default on two consecutive dates on
the part of the petitioner, his bail bond shall liable
to be cancelled.

(Anil Kumar Sinha, J)

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