

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2061 of 2022

Arising Out of PS. Case No.-331 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Aditya Raj @ Guru Mafia, Son of Rajendra Prasad @ Rajendra Jamadar,
Resident of Village- Balwa Chak, P.S.- Silao, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Advocate Mr. Satyendar Prasad Singh, Advocate
For the Opposite Party/s :		Mr.Dilip Kumar No. 1,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-10-2022 Heard learned counsel for the petitioner and

learned APP for the State.

Let the defect (s), as pointed out by the office, be

removed within a period of four weeks.

In the present case, the petitioner seeks bail in

connection with Laheri P.S. Case No. 331 of 2021 registered

for the alleged offences under Sections 363, 365, 367, 368 and

34 of the Indian Penal Code.

As per prosecution case, police received

information about kidnapping of a boy and when they reached

at the place of occurrence, it came to know that 5-7 youths

kidnapped a boy and took him with themselves on their

motorcycle. The CCTV footage from different places was



downloaded and the petitioner was identified as the person who was brandishing a pistol and was one of the members of the gang which kidnapped the boy.

Learned counsel for the petitioner submits that petitioner has been made accused on the basis of the identification by local persons and except for this identification, there is no other material against this petitioner. Neither the victim boy nor his father has recorded his statement and no one has made any complaint regarding the kidnapping of the boy. No case was lodged by the father or family members of the said boy for his kidnapping. Nothing incriminating has been recovered from the person or possession of this petitioner. As a matter of fact, the petitioner was apprehended by the police in a false case of the year 2018 and thereafter, his confessional statement was extracted and he has been further implicated in other cases. Charge sheet has been submitted in this case and the petitioner is in custody since 29.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was seen in the CCTV footage and was carrying a gun.

Having regard to the facts and circumstances and



submission made on behalf of the parties and further considering lack of any cogent material against the petitioner to connect him with the offences as alleged and also considering the absence of statement of victim or his family members on record along with the period of custody and submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 331 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three



consecutive dates or in violation of
the terms of the bail, the bail bond of
the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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