

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2389 of 2022

Arising Out of PS. Case No.-99 Year-2020 Thana- AANDAR District- Siwan

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Vikesh Kumar Singh Son of Brajnath Singh @ Vrijanath Singh Resident of
Village - Baheliya, P.s.- Ander (M.H. Nagar), Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 14-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 203 of 2020 arising out of Ander (M.H.

Nagar) P.S. Case No. 99 of 2020, registered for the

offences punishable under Section 364 and later on Sections

302, 201 and 34 of the Indian Penal Code.

The prosecution case as emerges from the F.I.R. is

that the informant's son, namely, Sanjeet Kumar, who had a

love affair with one Preeti Kumari, got missing. It is alleged

that her son had been kidnapped by the petitioner.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is not named in the F.I.R. and the named accused, Sheshnath Sharma has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 22.06.2021, passed in Cr. Misc. No. 6600 of 2021. He also submits that the present petitioner is implicated only on the basis of so-called confessional statement before the Police. He further submits that investigation in this case is complete and charge-sheet has already been submitted and even charge has been framed.

The petitioner has been languishing in jail since 05.07.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. 1st Additional District & Sessions Judge, Siwan in connection with Sessions Trial No. 203 of 2020 arising out of Ander (M.H. Nagar) P.S. Case No. 99 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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