

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6235 of 2022

Arising Out of PS. Case No.-169 Year-2020 Thana- DIGHA District- Patna

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RAUSHAN KUMAR, SON OF SANJAY CHOUDHARY R/O -
JAMAKHARIJ, P.S.- DIGHA, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Barnwal
For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-07-2022 Heard Ms. Nivedita Nirvikar, learned Sr. counsel

for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Digha
P.S. Case No. 169 of 2020, registered for the offences
punishable under Sections 363, 366(A) and 34 of the Indian
Penal Code, 1860.

As per allegation, the informant's daughter left her
home with the petitioner and did not return.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. She further submits that as per the F.I.R. itself,
only doubt has been raised regarding possible role of the



petitioner in the alleged kidnapping of victim and even after investigation, the Police has not found any connecting evidence which may suggest that present petitioner has any role in the alleged kidnapping. She further submits that there is some previous money dispute between the parties, and only to teach a lesson, this false case has been lodged.

Perused the case-diary.

From perusal of the case-diary, it appears that till date the Police has not found any connecting evidence which suggest that the petitioner is connected with the alleged kidnapping.

The petitioner is languishing in jail since 10.09.2021.

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 in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.



Considering the aforesaid facts and circumstances, particularly the period of custody; having lack of evidence to connect the petitioner with the alleged offence; and the age of the petitioner, he, 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 learned SDJM or concerned court below, in connection with Digha P.S. Case No. 169 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 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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