

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26954 of 2021

Arising Out of PS. Case No.-438 Year-2020 Thana- SAUR BAZAR District- Saharsa

AMOD KUMAR S/O Kameshwar Yadav Resident of Village - Hati, Ward
No. 10, Nauhatta, District - Saharsa.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s :	Ms. Gulnar Begum, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 21-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 01.12.2020,
seeks regular bail in connection with Saur Bazar P.S. Case No.
438 of 2020, for the offence punishable under Sections
364(A)/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 25.11.2020
on the written statement given to the Police by the informant
Fuleshwar Sah that his son Mukesh Kumar Bharti, J.E. was
abducted and Rs. 15 Lakh was demanded as ransom.

Learned counsel appearing on behalf of the petitioner



submits that the name of the petitioner has surfaced in this case on the basis of confessional statement of one co-accused Lalu Yadav, who is the boat-sailor and petitioner was simply a passenger on the said boat. Although, the said Lalu Yadav is *Mausa* of the petitioner, the petitioner has no connection with him. However, victim has been recovered and petitioner has remained in custody since 01.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and the fact there is no allegation of tampering the evidence or influencing the witness and the trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saur Bazar P.S. Case No. 438 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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