

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34237 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- SAHARSA SADAR District- Saharsa

AMIT KUMAR @ AMIT JHA S/O SANJAY JHA R/O VILLAGE
KHAJURAHA BIRATPUR CHANDI STHAN, P.S SONBERSA, DISTRICT
SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-03-2022 Heard Mr. Krishna Prasad Singh, Sr. Adv. learned
counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Saharsa
Sadar P.S. Case No. 119 of 2021 registered for the offence
under Sections 363, 366 and 34 of the Indian Penal Code.

The prosecution case, in short, is that as per the First
Information Report, it has been alleged that petitioner along
with other co-accused persons kidnapped the daughter of
informant.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. It is further submitted that it
appears from the First Information Report that there is general



and omnibus allegation against all the six accused persons including the petitioner. It is further submitted that no overt act is alleged against the petitioner. The victim in her statement recorded under Section 164 Cr.P.C. has stated that due to mistake of understanding, she went to Purnia and thereafter Jamshedpur and the petitioner has no role to play in the present case. It is further submitted that victim has also refused for medical examination. It is further submitted that the police after investigation submitted charge sheet against the petitioner and other accused persons. It is further submitted that the petitioner is in custody since 15.02.2021.

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

Considering the facts and circumstances of the case, let the petitioner, above name, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 119 of 2021 with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

And, further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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