

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33638 of 2021

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

Himanshu Kumar @ Chotu Son of Late Anand Jha Resident of Village -
Biraatpur (Chandisthan), Ward No. 14, P.S.- Sonbarsa, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 119 of 2021 registered for the offences punishable under Sections 363, 366/34 of the Indian Penal Code.

According to prosecution case, as per F.I.R. it has been alleged that the petitioner alongwith other co-accused kidnapped the daughter of the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He



further submits that the victim girl herself has denied the allegation levelled against the petitioner. He further submits that the victim girl has recorded her statement under Section 164 Cr.P.C. in which she stated that the petitioner did not kidnap her, rather she went alongwith the co-accused namely Amit. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 119 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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