

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34534 of 2021

Arising Out of PS. Case No.-781 Year-2020 Thana- AHYAPUR District- Muzaffarpur

AKSSHAY KUMAR @ AKSHAY KARN Son of Nawal Kishore Paswan
Resident of Village - and Post- Kafen Chaudhary, P.S. - hathauri, District -
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Adv.

For the Opposite Party/s : Mr. S.K. Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 05-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 363 and 365 and later on added
366, 364, 302, 120B and 201 of the Indian Penal Code.

Informant alleges that his son went out of the
house along with the petitioner, who is said to be the friend
of the victim, and did not return. Therefore, the informant
apprehends that the petitioner has abducted and killed his
son.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case merely



on the basis of suspicion. He further submits that the petitioner is said to have last seen with the son of the informant but he has not committed any offence as alleged in the F.I.R. He further submits that there is no eye witness to the alleged occurrence and during course of investigation, no cogent material has come against the petitioner except his confessional statement before the police, which has no evidentiary value in the eye of law. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He also submits that the co-accused, Ataljeet Bihari has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.11.2021 passed in Cr. Misc. No. 22294 of 2021. The petitioner is rotting in judicial custody since 21.10.2020.

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, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ahiyapur P.S.



Case No. 781 of 2020 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 canceled 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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