

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42556 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- MIRGANJ District- Gopalganj

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ABHISHEK KUMAR Son of Shivshankar Sah Resident of Village-
Manikpur, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Md. Shakir Ahmad.

The petitioner seeks regular bail in connection with Mirganj P.S. Case No. 48/2021 (Gr. No. 531/2021), registered for the offence punishable under Sections 364(a), 120B and 34 of



the Indian Penal Code.

The allegation is regarding unknown accused persons having kidnapped the victim boy.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 10.2.2021. The learned counsel for the petitioner has submitted that the name of the petitioner has transpired in the present case, upon disclosure made by the co-accused person, namely, Ahsan Rai, from whose house the scorio vehicle used in the crime was recovered. The learned counsel for the petitioner has further submitted by referring to the statement made by the victim boy under Section 164 Cr.P.C. before the learned Magistrate that the accused persons had themselves voluntarily released the victim boy and had also given him a sum of Rs. 50/- for the purposes of catching a bus and going to his house.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the name of the petitioner has transpired in the present case, upon confessional statement made by the co-accused person, the petitioner is stated to be having a clean antecedent and moreover, the victim boy, in his statement made under Section 164 Cr.P.C. before the learned Magistrate, has not alleged any wrong doings against the perpetrators of crime, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XVI, Gopalganj in connection with



Mirganj P.S. Case No. 48/2021 (Gr. No. 531/2021).

(Mohit Kumar Shah, J)

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