

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45604 of 2021

Arising Out of PS. Case No.-291 Year-2020 Thana- ASHTHAWAN District- Nalanda

ASHISHA KUMAR Son of Vijendra Yadav Resident of Village - Pachasa,
P.S./ O.P. - Bhagan Bigha- Rahui, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Nirala, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Asthawan P.S. Case No. 291 of 2020 registered for the offence under Sections 364A and 34 of the Indian Penal Code.

The son of the informant is said to have been abducted by the petitioner and his associates for the purpose of ransom.

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. In fact, the petitioner has not been named in the F.I.R. but he has been made accused in this case merely on the basis of confessional statement of the co-accused, Anuj Kumar. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. Moreover, the victim in his statement recorded under Section 164 Cr.P.C. has not disclosed anything about the petitioner. The police after investigation has submitted charge sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 15.12.2020.

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 on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M-1st, Class, Biharshariff, Nalanda in connection with Asthawan P.S. Case No. 291 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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