

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38359 of 2022**

Arising Out of PS. Case No.-5 Year-2022 Thana- DEEPNAGAR District- Nalanda

Sumit Kumar S/O Pramod Singh Resident of Village- Konawa, P.S.- Wena,
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 02-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Deepnagar P.S. Case No. 05 of 2022 registered for the offence
under Section 364(A) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 06.01.2022.

The allegation against the petitioner is to kidnap the
husband of the informant alongwith other co-accused persons,
where demand of Rs. 15,00,000/- was raised under threat of life.

Learned counsel appearing on behalf of the petitioner
submitted that as victim recovered from the same house, where



petitioner was on rent in connection with his study, he has been implicated falsely in present case. It is also submitted that as per statement of victim recorded under Section 164 of the Cr.P.C., the thrust of allegation of kidnapping is available against co-accused Chandan Kumar. It is also submitted that petitioner was not put on TIP, as yet, despite of recovery of victim. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R. It is submitted that petitioner was arrested with victim.

Considering the facts and circumstances as mentioned above, as thrust of allegation is available against co-accused Chandan Kumar, as per statement of victim recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Deepnagar P.S. Case No. 05 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Nalanda at Biharsharif/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Pramod Singh, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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