

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48071 of 2021

Arising Out of PS. Case No.-180 Year-2019 Thana- KUMAR KHAND District- Madhepura

Dinesh Sharma, S/O Phulo Sharma, R/O Village-Parasgadhi, Ward No. 6, P.S-
Jadiya, District-Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Kumarkhand P.S. Case No.180 of 2019 registered for the
offence punishable under Section 364/34 of the Indian Penal
Code.

The allegation, as per the F.I.R., is that the son of the
informant was kidnapped by three persons, however, after few
hours, the son of the informant was recovered and co-accused
Ramesh Kumar @ Muniya was arrested who disclosed the name
of the petitioner and others.

Petitioner's counsel submits that the petitioner has
not committed any offence in the manner alleged and he has
falsely been implicated in the present case due to some dispute



between the parties. The petitioner has got no criminal antecedents and is in custody since 08.08.2020. It is further submitted that co-accused Ramesh Kumar @ Muniya, who was arrested on the spot after a few hours of kidnapping along with kidnapped boy, has been granted bail by a Co-ordinate Bench of this Court vide order dated 16.03.2020 passed in Cr.Misc. No.80933 of 2019. It is further submitted that similarly situated co-accused, namely, Prakash Sharma has been allowed bail in Cr.Misc. No.40117 of 2020, vide order dated 10.02.2021.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions based on parity with other similarly situated co-accused, and also the fact that the petitioner has got no criminal antecedents and is in custody since 08.08.2020; as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, 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 Sub-Divisional Judicial Magistrate,



Madhepura, in connection with Kumarkhand P.S. Case No.180
of 2019, subject to the following conditions:

(i) That one of the bailors will
be a close relative of the petitioner who
will give an affidavit giving genealogy as
to how he is related with the petitioner.
The bailor will also undertake to inform
the court if there is any change in the
address of the petitioner.

(ii) That the petitioner will be
well represented on each date and if he
fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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