

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51571 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- RUPASPUR District- Patna

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Naveen Kumar @ Navin Kumar, Son of Sri Dayanand Prasad, Resident of Village - Nakatpura, P.O. and P.S. - Biharsharif, District - Nalanda, At Present Road No. 01, Rajbanshi Nagar, P.O. and P.S. - L.B.S. Nagar, Town and District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pratyush Kumar, Adv.

For the Informant : Mrs. Meena Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-03-2022 Heard learned counsel for the petitioner and Mrs. Meena Singh, counsel for the informant.

The petitioner is an accused under Section 364(A)/34 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act in connection with Rupaspur P.S. Case No.28 of 2021 dated 15.01.2022 (G.R. No.351 of 2021).

The allegation as per the FIR is that the informant's younger brother was abducted on 14.01.2021 from his apartment and later the abductors made a call and demanded twenty lacs for release of his brother. This led to institution of the FIR.

Subsequently, the police successfully recovered the boy and arrested three persons including the petitioner herein on 15.01.2021.

The counsel for the petitioner submits that the prosecution case seems doubtful in absence of the Test Identification Parade



conducted by the police. His further contention is that the other two accused persons namely Mr. Aakash Kumar and Aatish Kumar Singh who were also apprehended with him have subsequently been released on bail vide Cr. Misc. No.31017 of 2021 and Cr. Misc. No.39205 of 2021 respectively on 05.01.2021.

Mrs. Meena Singh, learned counsel for the informant submits that when the police recovered the boy, these accused persons including the petitioner herein were present at the spot and were arrested. She further submits that considering the gravity of the case the petitioner does not deserve the privilege of bail.

Considering the fact that charge sheet has already been submitted in the matter, the petitioner is in judicial custody since 15.01.2021 and the other two accused have been granted the privilege of bail, this petitioner is also entitle to the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each in connection with Rupaspur P.S. Case No.28 of 2021 to the satisfaction of learned ACJM, IInd, Danapur, subject to following conditions:

(i) one of the bailor should be the blood relative of the petitioner and documents to this effect be presented before the appropriate court to show is bonafide;

(ii) the petitioner shall visit the local police station every fortnight for next six months to mark his presence;



(iii) he shall co-operate with the trial and shall ensure his presence to each and every date and failure to do so for two consecutive dates without plausible reason, the State shall be at liberty to initiate the process for cancellation of his bail;

(iv) the petitioner shall in no way threat, promise or induce any of the witnesses related to the trial;

(v) in case the petitioner commits any other criminal offence after he is released on bail, the State will be at liberty to apply for cancellation of the bail granted to him in this case;

With the aforesaid observation, this bail application is allowed.

Before parting, I would like to put on record my word of appreciation for Mrs. Meena Singh, learned counsel appearing on behalf of the informant for the assistance rendered to this Court.

(Rajiv Roy, J)

Prakash Narayan /-

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