

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51867 of 2021

Arising Out of PS. Case No.-259 Year-2020 Thana- ALAMNAGAR District- Madhepura

VIKRAM KUMAR S/o Dashrath Ray R/o village- Gangapur Kachahari Tola,
P.S.- Alamnagar (Ratawara O.P.), District- Madhepura (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Rajeev Kumar, Advocate Mr. Anant Kumar, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-05-2022 Heard learned counsel for the parties.

The petitioner is in custody in connection with Alamnagar P.S. Case No. 259 of 2020 registered under Sections 363, 365, 302 and 120(B) of the Indian Penal Code.

As per the prosecution story, the informant alleged that two unknown persons came and took away his son. When his son failed to return home in the night and his mobile number too was switched off, he suspected his kidnapping and accordingly this First Information Report was lodged.

Subsequently, it was found that the informant's son has been killed and during the course of investigation, accused Navin Kumar was found to be the conspirator and on his confessional statement, the name of this petitioner cropped up



and accordingly he too came into the judicial custody on 08.03.2021 (as stated in paragraph-12 of the bail application).

In this case, case diary was called for and the same has been received and learned APP for the State has perused the same.

Learned Sr. Counsel for the petitioner submits that save and except the confessional statement of accused, Navin Kumar, nowhere the name of the petitioner has been cropped up and he has not been named by any of the witnesses. He further submits that the petitioner has clean antecedent and he is in jail since 08.03.2021.

Learned APP for the State having gone through the case diary found that at paragraph-38 of the case diary accused, Navin Kumar in his confessional statement has named this petitioner to be an accomplice but acknowledged that others have not named him in case diary.

Taking into account the aforesaid facts including that the charge sheet has been submitted, the petitioner has no criminal antecedent and he is in jail since 08.03.2021, this Court is inclined to grant the privilege of bail to him. It is however, made clear that if at all it comes to the notice of the learned Court below that the petitioner does have any criminal



antecedent contrary to the statement made in bail application the order of bail shall become infructuous.

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 to the satisfaction of A.C.J.M.- 1st, Udakishunganj, Madhepura in connection with Alamnagar P.S. Case No. 259 of 2020, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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