

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57378 of 2021

Arising Out of PS. Case No.-68 Year-2021 Thana- KESARIA District- East Champaran

Akash Kumar @ Babloo Kumar Son Of Malik Rai @ Anil Prasad Yadav
Resident of Village- Bijdhari, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Kesariya P.S.Case No. 68 of 2021 for the offences
punishable under Sections 365 and 366 of the Indian Penal
Code.

As per the prosecution case, it is alleged that wife of
the informant namely, Rubi Devi was living in her Maika,
Benipur and she was working as cook in Kasturba School
Kesariya. On 20.02.2021, she went to the school and after
making attendance, she became traceless. The informant further
alleged that prior to the occurrence, petitioner threatened his



wife and demanded Rs, 1,50,000/- though all dues have been paid to him. Thus the suspicion has been raised against the petitioner for kidnapping his wife.

It is submitted on behalf of the learned counsel for the petitioner that except suspicion, there is nothing against this petitioner. Admittedly, informant is not an eye witness to the alleged occurrence. Neither the petitioner was lastly seen with the deceased nor incriminating material has come which suggest the complicity of this petitioner. It is further submitted that during the course of investigation , it had come that the deceased had talk with this petitioner and as such the name of petitioner has been implicated in the present case. It is next submitted that petitioner is having no criminal antecedent and is in custody since 26.07.2021. Apart from the other fact the investigation has already been concluded and the charge sheet has been submitted.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that there is allegation that the petitioner had threatened the wife of informant. However, he fairly submits that except suspicion no other material has come during the course of investigation.

Having heard the rival contentions of the parties and



taking into consideration the fact that, during the course of investigation, it had come that deceased had talk with the petitioner and there is no other material which suggest the complicity of this petitioner. Petitioner is having clean antecedent and is in custody since 26.07.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Kesariya P.S.Case No. 68 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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