

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57319 of 2021

Arising Out of PS. Case No.-730 Year-2013 Thana- AHYAPUR District- Muzaffarpur

RAVI KUMAR PANDEY Son of Late Bharat Pandey Resident of village - Ali
Neura, P.S.- Meenapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 364, 365, 34 and 120(B) of the
Indian Penal Code.

Allegedly, Navin Kumar the elder brother of the
informant was kidnapped by unknown miscreants and
during investigation co-accused Nikki Devi, Jiwachh Kumar
have confessed their guilt in their confessional statement
stating the name of others along with the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that the petitioner has not been named in the F.I.R. but merely on the basis of confessional statement of the co-accused, Jivachh Kumar @ Sanjay Kumar, he has been made accused in this case. He further submits that no cogent material has come during course of investigation against the petitioner. He further submits that the co-accused, namely, Nilesh Tiwary @ Mama has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.03.2015 passed in Cr. Misc. No. 52070 of 2014. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Ahiyapur P.S. Case No. 730 of 2013 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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