

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.50035 of 2022**

Arising Out of PS. Case No.-68 Year-2016 Thana- CHAPRA TOWN District- Saran

Rajendra Prasad, Son of Kanhaiya Prasad Resident of Village - Godna
Brahman Toli, P.S.- Rivilganj, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-12-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by the Stamp Reporter by
16th January, 2023.

Heard learned counsel for the petitioner and Mr.
Narsingh Tanti, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Town P.S. (Saran) Case No. 68 of 2016
registered for the offences punishable under Sections 364 and
511 of the Indian Penal Code. He is in custody since
31.08.2020. He has one criminal antecedent..

Learned counsel for the petitioner submits that the
allegation against the petitioner is that he along with other
accused persons tried to kidnap the nephew aged about 5 years
of the informant because of some previous enmity.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner is in custody since 31.08.2020.

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

Having regard to the facts and circumstances of the case wherein previous enmity has been pleaded as a reason for false implication of the petitioner in the present case, the petitioner has remained in custody for more than 2 years and he has one criminal antecedent in which he is said to be on bail, there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran (Chapra) in connection with Town P.S. (Saran) Case No. 68 of 2016, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

The application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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