

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59903 of 2021**

Arising Out of PS. Case No.-573 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

Jyotish Kumar, S/O Late Harinarayan Prasad @ Bhim Singh, R/O Village-  
Khemnichak, Durga Mandir, (DEVI Sthan), P.S-Ramkrishna Nagar, District-  
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocated

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

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**  
**ORAL ORDER**

4      28-02-2022                      The applicant is given out of turn hearing because his  
wife is suffering from Acute Appendices and is being operated.

The applicant is an accused in Crime No. 573 of 2019,  
registered with Ramkrishna Nagar Police Station for the  
offences punishable under Sections 384, 386, 387, 447 and 379  
r/w Section 34 of the Indian Penal Code, by this application is  
seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the  
applicant/accused. He argued that co-accused Nitish Kumar is  
granted anticipatory bail by the learned court below and the  
evidence against the applicant as well as Nitish Kumar is  
same. He further argued that the FIR is filed by real uncle of  
the applicant and co-accused Nitish Kumar because of some



family dispute.

The learned Additional Public Prosecutor opposed the application by contending that apart from the first informant and his wife Bimla Devi there is another eye witness Narendra Kumar to the occurrence.

Indisputably the charge sheet has been filed and the investigation of the subject crime is over. The first informant is the real uncle of the informant. Indisputably co-accused who happens to be brother of the applicant is already granted anticipatory bail by the learned trial court.

According to the prosecution case, the applicant as well as his brother Nitesh Kumar used to demand ransom from their uncle, i.e., first informant Radhe Mohan Prasad as Radhe Mohan Prasad used to maintain them but subsequently a male child born out from Radhe Mohan Prasad, the present applicant as well as co-accused were having evil eye of property of Radhe Mohan Prasad. It is alleged that on 08.08.2019, the applicant and the co-accused attempted to kidnap minor son of the first informant for the purpose of ransom.

As the investigation of the subject crime is over and as the co-accused is already granted anticipatory bail by the



learned trial court, hence I see no reason to refuse bail to the applicant. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 573 of 2019, registered with Ramkrishna Nagar Police Station be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.



The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Bhardwaj/-

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