

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51758 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- MIRGANJ District- Gopalganj

=====

Ankit Kumar @ Anakit Kumar S/O Ambika Sah R/O Village- Mahadeva Nai
Basti, P.S.- Mahadeva, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocata

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Ashok Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor for the State
through video conferencing.

Petitioner seeks bail in a case registered in connection
with Mirganj P.S Case No. 49 of 2021 for the offences
punishable under Sections 414/34 of the Indian Penal Code and
section 25(1-b) a, 26,35 of the Arms Act.

The prosecution case is based on a written report
filed by the informant alleging therein that during the course of
investigation in connection with Mirganj P.S.Case No. 48 of
2021 registered for the offence punishable under section 364(a),
120(b), 34 of the Indian Penal Code against unknown persons



regarding kidnapping of the son of the informant, the police apprehended a Scorpio wherein the petitioner was found sitting along with other persons. On search one mobile phone is allegedly recovered from the possession of the petitioner. It is also alleged that other belongings of the kidnapped boy was also recovered from the vehicle.

Learned counsel appearing on behalf of the petitioner submits that with regard to the kidnapping of the victim boy a separate P.S. Case was registered as Mirganj P.S. Case No. 48 of 2021, however, on the same day, the victim boy was recovered and he did not disclose the name of the petitioner. He further submits that save and except the allegation that the petitioner was found sitting in the Scorpio, there is no other material against him. He next submitted that other accused persons having identical allegation, they have been allowed the privilege of bail by this Hon'ble Court, the copies of which have been brought on record by way of Annexure-2 series of the bail application. He next submits that save and except Mirganj P.S. Case No. 48 of 2021, there is no other criminal antecedent of the petitioner and further investigation of the crime is already complete and the charge sheet has been submitted much earlier.

On the other hand, learned counsel for the State



vehemently opposed the bail application and submits that petitioner is found involved in kidnapping of a minor boy.

Regard being had to the submissions made on behalf of the petitioner and the State and considering the fact that other co-accused persons having similar allegation have been allowed privilege of bail by the learned co-ordinate Bench of this Court and save and except one mobile phone no incriminating material has been recovered from person or possession of the petitioner and he is in custody since 18.03.2021, 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, Gopalganj in connection with Mirganj P.S Case no. 49 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.

(v) 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 cancelling 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.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--

