

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61976 of 2021

Arising Out of PS. Case No.-178 Year-2021 Thana- GRIYAK District- Nalanda

AJAY KUMAR Son of Rajendra Prasad @ Rajendra Mahto Resident of
Village - Nichali Bazar, near Devi Mandir, P.S.- Roh, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 364A and
120B of the Indian Penal Code.

As per the prosecution case, four accused persons
on a Santro car overtook the vehicle of Ravishankar Kumar and
kidnapped the son of the informant.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case. He is
not named in the FIR. His name transpired in course of
investigation when the statement under section 164 Cr.P.C. of
the alleged victim was recorded. In the said statement the son of
the informant states that his wife had received a phone call from
Ajay Kumar with respect to demand of Rs.5 lacs.

It is submitted by learned counsel for the petitioner



that no transaction of money has taken place. Even the description of the petitioner is incomplete. The petitioner is in custody since 10.7.2021 and is cooperating in the trial. As per instructions three witnesses have been examined on behalf of the prosecution.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the stage of the case in the learned Court below, the nature of allegation and the petitioner having remained in custody for over 10 months, the Court directs the petitioner to be enlarged on bail in connection with Giriyak(Pawapuri) P.S. Case no. 178 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-V, Bihar Sharif, Nalanda.

It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

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(Partha Sarthy, J)

