

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53147 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- BHAGWANPUR District- Vaishali

1. Rajesh Kumar @ Rajesh Kumar Rai Son of Late Shambhu Ray Resident of Village - Karhari, P.S. - Bhagwanpur, District - Vaishali.
2. Chandan Kumar Son of Shibalak Ray @ Shiv Balak Ray Resident of Village - Karhari, P.S. - Bhagwanpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 09-12-2022 The matter is heard through video conferencing.

Petitioners seek regular bail in Bhagwanpur P.S. Case No. 139 of 2022, registered for the offences under Sections 363 and 366(A) of the Indian Penal Code.

Petitioners filed Bail Petition No. 1552 of 2022 on the file of the Additional District & Sessions Judge- II, Vaishali at Hajipur and it was rejected on 17.08.2022. Hence, the present regular bail application under Section 439 of the Indian Penal Code.

The alleged allegation levelled against the petitioners are that petitioners and one co-accused Rakesh Kumar threatened the complainant's daughter and kidnapped her on 30th



March, 2022 whereas complainant has given complaint and registered F.I.R. on 08.06.2022. Complainant is stated to have got information about alleged incident relating to kidnapping of his daughter on 30th March, 2022 only on 08.06.2022. Such information has been forwarded through one mobile number.

Petitioners are stated to be students and they are pursuing competitive examinations.

In the light of these facts and circumstances, petitioners have made out *prima facie* case for grant of regular bail. Accordingly, bail is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 139/2022, subject to following conditions:

(i) The petitioners shall co-operate in investigation and in conclusion of the trial.

(ii) They shall remain present on each and every date of trial till conclusion of trial.

(iii) They shall not try to tamper with the evidence or intimidate the witness to delay the conclusion of trial.

(iv) In the event of default of two consecutive dates



without any valid reasons, their bail bonds is liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioners and in the case, at any stage, it is found that petitioners had concealed their criminal antecedent, the court below or investigating authority shall take immediate step for cancelling bail bond of the petitioners. However, acceptance of bail bonds, in terms of the aforementioned order shall not be delayed for this purpose or in the name of verification.

(P. B. Bajanthri, J)

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