

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68645 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- KURTHA District- Jehanabad

Niraj Kumar @ Neeraj Kumar S/o Umesh Kumar Singh Resident of Village-
Mubarakur, P.O.- Kurtha, P.S.- Kurtha, Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 366(A)/34 of the Indian Penal Code.

According to prosecution case, on the basis of written report of the informant (father of the victim) stating therein that on 26.07.2021 the informant found her minor daughter aged about 17 years missing from the house and in course of search it transpired that Golu Kumar, Manish Kumar, Awadhesh Kumar @ Vicky have kidnapped his minor daughter and Akhilesh Sao and Pushpa Devi have assisted in the kidnapping. It is further



alleged that Awadhesh Kumar resides in his maternal uncle's house at village Alawalpur and his maternal uncle Ashok Chaudhary confessed that after kidnapping the girl from village Kurtha he left the girl at Dehri station and the mobile of Awadhesh Kumar is switched off.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. itself that the allegation of kidnapping is against the co-accused namely Golu Kumar. He further submits that it has come during investigation that the petitioner has arranged the tickets from Dehri-on-Soon to Ranukote and on that basis petitioner has been implicated in the present case. He further submits that except the aforesaid nothing has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kurtha P.S. Case No. 84 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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