

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70038 of 2021**

Arising Out of PS. Case No.-353 Year-2021 Thana- GRIYAK District- Nalanda

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Ujjawal Kumar Son of Sri Ishwar Prasad Resident of Village - Gonwanpar,
P.S.- Manpur, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 21-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Ms. Vaishnavi Singh, learned counsel for the

petitioner as well as learned Additional Public Prosecutor for the

State.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Giriyak (Pawapuri) P. S. Case No. 353 of



2021 registered for the offences punishable under Sections 341, 342, 363, 365, 323, 420, 504, 506 read with 34 of the Indian Penal Code and Section 66 of the Information Technology Act.

As per the prosecution case, it is alleged that the Police received an information that some persons were beating one Chunnu Kumar. It is further alleged that both the petitioner and the accused Dhiraj Kumar were forcefully got Chunnu Kumar to be seated on a motorcycle and went towards Manpur Road and they were identified as Ujjawal Kumar and Dhiraj Kumar by the villagers. It is next submitted that the Police subsequently reached the house of co-accused Dhiraj Kumar where Chunnu Kumar was recovered and the petitioner was also found present and both of them apprehended by the Police. It is also submitted that the said victim, Chunnu Kumar, who was also co-accused in some other cases, has made confession and admitted that he along with co-accused persons of this case are in business of collecting and selling of A.T.M. Cards and he had some issue with regard to payment from the co-accused Dhiraj Kumar, when he demanded his dues, he was beaten by both the petitioner and co-accused Dhiraj Kumar.

Learned counsel appearing on behalf of the petitioner submitted that so far the confessional statement of



Chunnu Kumar is concerned, there is no allegation with regard to the complicity of the petitioner in the A.T.M. distribution or any fraud, the only allegation as per the confessional statement of the victim, Chunnu Kumar is that he was accompanied with Dhiraj Kumar and also assaulted him. It is next submitted that the said victim was recovered from the house of Dhiraj Kumar and he has been granted bail by this Hon'ble Court in Cr. Misc. No. 61442 of 2021 vide order dated 13.05.2022. The copy of which has been brought on record by way of annexure 5 to the supplementary affidavit. It is next submitted that the petitioner is a student of B.A. Honours having fair antecedent and he is in custody since 11.08.2021 and moreover, the investigation of the crime is already completed.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has transpired on confession made by the victim, namely, Chunnu Kumar, who has made specific allegation against the petitioner along with Dhiraj Kumar, assaulted and abducted him.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged victim has been recovered from the house of Dhiraj Kumar and



save and except the allegation that the petitioner assaulted the victim and also accompanied with the accused Dhiraj Kumar, there is no other allegation, apart from that co-accused Dhiraj Kumar has also been granted bail by this Hon'ble Court and moreover, this petitioner being student in custody since 11.08.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Giriyak (Pawapuri) P. S. Case No. 353 of 2021, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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