

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69786 of 2021**

Arising Out of PS. Case No.-577 Year-2020 Thana- LAKHISARAI District- Lakhisarai

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ASHUTOSH KUMAR @ GANGESH S/o Hemant Kumar Singh R/o Village  
- Chak Singar, P.S. - Jurawanpur, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      24-05-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with  
Sessions Trial No. 81/2021 arising out of Lakhisarai P.S. Case  
No. 577 of 2020 registered for the offence punishable under  
Sections 363 and 365 of the Indian Penal Code 1860.

The prosecution case, as per the First Information  
Report is that the informant received information about the  
disappearance of his brother when he had gone to attend  
coaching classes and some persons in a car were seen forcibly  
kidnapping a person riding a bicycle. The informant further  
alleged that he is convinced that his brother has been kidnapped.

Learned counsel for the petitioner submits that the  
F.I.R. was registered against unknown. The name of the



petitioner has transpired during course of investigation in the confessional statement of a co-accused Badal made before police. With respect to the material that has transpired during course of investigation and the different paragraphs of the case diary referred to in the order of the learned trial court, learned counsel submits that no concrete material has transpired to connect the petitioner in the present offence. In her confessional statement before police accused Ragini Raj has stated that she had entered into conspiracy with her lover Ashutosh Kumar and her brother, and the co-accused Milton Kumar @ Rohit Raj was also involved. It is submitted that the victim returned back and has not named the petitioner either in his statement recorded under section 161 Cr.P.C. or 164 Cr. P.C. Learned counsel further submits that other co-accused person namely, Milton Kumar @ Rohit Raj has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 15847 of 2021. The petitioner is in custody since 27.1.2021 and has got no criminal antecedent. Charge sheet has been submitted in the case.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 27.01.2021 having clean antecedent, except confessional statement no material is



there against the petitioner to connect him in the present offence and other co-accused has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge, Lakhisarai, in connection with Lakhisarai P.S. Case No. 577 of 2020.

**(Anil Kumar Sinha, J)**

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