

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1439 of 2022

Arising Out of PS. Case No.-331 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

AMAN RAJ @ ANANDI KUMAR S/o Amrik Yadav R/o village- Kalibigha,
P.S.- Giriyak, District- Nalanda (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 20-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Laheri P.S. Case No. 331 of 2021 registered for the offences punishable under Sections 363, 365, 367, 368, 34 of the Indian Penal Code.

As per prosecution case, the informant alleges that on 03.08.2021 at about 01:10 PM, he proceeded from the police station along with other armed forces for maintaining law and order and at about 3:30 PM, he got information from S.H.O. that one boy has been kidnapped from Ranchi Road Palika Market and it was learnt from the people of vicinity that one boy came running from the side of Nala Road and wanted to hide himself



in Varsha Engineering works but five persons on two motorcycles and two other persons on foot came and at the point of pistol kidnapped the said boy and proceeded towards Nala Road. CCTV footage of aforesaid occurrence was also taken. One person on promise of not disclosing his name stated that one of the miscreants who was armed with pistol was Aditya Raj @ Guru Mafia who resides at Shivpuri. Hence, FIR has been registered against Aditya Raj @ Guru Mafia and four unknown kidnappers.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name first time transpired in confessional statement of co-accused Aditya Raj @ Guru Mafia who has confessed the name of the petitioner in this case in para 43 of the case diary as mentioned in the impugned order. Petitioner also confessed his guilt in his self confessional statement. He further submits that the victim has already been released but the statement of victim has not been recorded under Section 164 of the Cr.P.C. in support of kidnapping for ransom. No TIP has been conducted till date. Except the self confessional statement, nothing was found on record to connect the petitioner with the alleged occurrence. No incriminating material has been recovered from possession of the petitioner.



Petitioner has been implicated in this case only due to local politics and old enmity. Petitioner is in custody since 12.10.2021. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nature of allegation, petitioner is not named in the FIR, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 331 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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