

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2783 of 2023

Arising Out of PS. Case No.-476 Year-2022 Thana- SHEKHPURA District- Sheikhpura

KAUSHAL KUMAR S/O KARYANAND MAHTO Resident of village-
Mahsar, P.S.- Sheikhpura (Sirari O.P.), District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sheikhpura (Sirari O.P.), P.S. Case No. 476 of 2022 registered
for the offence under Sections 364A, 34 of the Indian Penal
Code.

The son of the informant is alleged to have been
abducted on the point of gun by the accused persons
including the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case merely on the basis of suspicion. He
further submits that the allegation as alleged in the FIR is



false and fabricated and no such occurrence has taken place. He further submits that as a matter of fact, the petitioner has not kidnapped the son of the informant, rather, the son of the informant was arrested by the police in connection with Sheikhpura (Sirari O.P.), P.S. Case No. 477 of 2022 and as such, no case is made out against the petitioner under Section 364A of the Indian Penal Code. He further submits that the co-accused namely Gaurav Kumar has been granted anticipatory bail by a coordinate bench of this court vide order dated 07.04.2022 passed in Cr. Misc. No. 4808 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner and he is in custody since 13.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura (Sirari O.P.) P.S. Case No. 476 of 2022 with



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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

Ajay Singh/-

U		T	
---	--	---	--

