

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8363 of 2023**

Arising Out of PS. Case No.-477 Year-2022 Thana- SHEKHPURA District- Sheikhpura

KAUSHAL KUMAR Son of Karyanand Mahto R/V- Mahsar, P.S-  
Sheikhpura, Dist- 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.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      22-06-2023                      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. 477 of 2022 registered for  
the offence under Sections 379 and 414 of the Indian Penal Code  
and Section 25(1-b)a, 26 and 35 of the Arms Act.

The son of the informant is alleged to have been  
abducted by the petitioner and others for the sake of ransom of  
Rs. 200000/-.

Learned counsel appearing for the petitioner submits  
that the petitioner is innocent and has falsely been implicated in  
this case. He further submits that it appears from the F.I.R. and  
the seizure list, nothing has been recovered from the conscious  
possession of the petitioner rather the alleged recovery of looted



motorcycle has been made from the house of co-accused, Dhananjay Kukmar and Navin Kumar and one country made pistol along with seven live cartridges were recovered from the house of the co-accused, Raushan Kumar. The petitioner has no concern at all with the alleged recovery and the co-accused and merely on the ground of suspicion, the petitioner has been made accused in this case. He further submits that for the alleged kidnapping of the son of the petitioner, another case being Sheikhpura (Sirari O.P.) Case No. 476 of 2022 has been lodged by the informant. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner has been remanded in this case on 29.09.2022 from Sheikhpura (Sirari O.P.) P.S. Case No. 476 of 2022 and since then he is rotting in judicial custody.

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) P.S. Case No. 477 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)**

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