

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4115 of 2023

Arising Out of PS. Case No.-274 Year-2021 Thana- EKMA District- Saran

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RITESH SHARMA @ TERHI S/O ASHOK SHARMA R/v- Ganjpar, P.S.-
Ekma, District- Chapra, Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 11.08.2022 seeks
bail, in connection with Ekma P.S. Case No.274/2021, dated
10.07.2021, for the offences punishable under Sections 363,
366A of the IPC.

3. According to prosecution case, co-accused namely
Sayub Ansari is alleged to have abducted the victim girl with an
intention to marry with her.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. The name of the petitioner
has been transpired during investigation on the basis of



statement of the victim recorded under Section 164 Cr.P.C. He further submits that from perusal of the 164 Cr.P.C. statement of the victim it appears that the main accusation of kidnapping is against co-accused Sayub Ansari and Sayub Ansari is named in the F.I.R. and it appears from 164 Cr.P.C. statement that the petitioner was accompanied with the co-accused namely Sayub Ansari and said Sayub Ansari has been granted bail by a co-ordinate Bench of this Court vide order dated 07.04.2022 passed in Cr. Misc. No. 58192/2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.08.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned A.C.J.M.-1st, Saran, Chapra in connection with Ekma P.S. Case No. 274/2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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