

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5410 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- SHEOHAR District- Sheohar

SHUBHAM KUMAR S/o Vijay Kumar Gupta R/o Sasawla Khurd, P.S.-
Sheohar, Distt- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr.Sucheta Yadav, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 363, 366/34 of the
Indian Penal Code.

Allegedly, petitioner along with other accused persons,
kidnapped the informant's wife.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to ulterior motive. The allegation
levelled against the petitioner is not specific rather general and
omnibus in nature. Petitioner has no role in kidnapping of the
informant's wife. From perusal of the FIR itself, it is clear that
informant is the eye-witness of the kidnapping but he has



lodged the FIR after a delay of six days without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Similarly situated co-accused have been enlarged on bail by this court vide order dated 03.01.2023 passed in Cr. Misc. No. 57210 of 2022. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as the similarly situated co-accused have been granted anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sheohar P.S. Case No. 140 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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