

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12491 of 2023

Arising Out of PS. Case No.-480 Year-2022 Thana- BARAUNI District- Begusarai

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GULSHAN KUMAR SON OF LALLU DAS R/O VILLAGE- KESHAWE,
P.S.- BARAUNI, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anurag Saurav,Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 20.10.2022 in connection with Barauni P.S. Case No. 480 of 2022, F.I.R. dated 19.10.2022 registered for the offence punishable under Sections 364,366(A) and 34 of IPC.

3. The prosecution case, in short, is that on 18.10.2022, accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) of the informant. The informant suspected that his minor daughter may be killed.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case and as per allegation



in the FIR that the petitioner and other co-accused persons have abducted the minor daughter of the informant. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has not named the petitioner and she has categorically stated that one co-accused, namely, Balram Kumar, who happens to be the driver of the School Van alongwith other co-accused persons have abducted her, she has not stated anything about the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.10.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 learned Judicial Magistrate 1st Class-cum-Additional Magistrate, Begusarai in connection with Barauni P.S. Case No. 480 of 2022, with the following conditions:-



(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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