

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 16894 of 2022**

Arising Out of PS. Case No.-1035 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

RIKKY KUMAR, aged about 30 years, son of Rajesh Kumar @ Rajesh Kumar Singh, resident of R K Mansion, Road No 17, Rajiv Nagar, Police Station – Rajiv Nagar, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms Nivedita Nirvikar, Sr Advocate Mr Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr Shyam Kumar Singh, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

7 **04-01-2023** Heard learned senior counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Hajipur Sadar Police Station (for brevity, **PS**) Case No 1035 of 2021 dated 23.11.2021 registered for the offence punishable under Sections 364A/34 of Indian Penal Code.

There is an allegation that the petitioner (**Mausa** of the victim) has kidnapped the victim regarding which the informant has come to know after **hulla** was raised by the women folk near the house of the informant.

Learned senior counsel for the petitioner submits that



subsequently the child has been recovered at a short distance from the house of the informant. Since the informant and the accused person is related, they have subsequently filed a petition in the Court below stating that the informant does not wish to pursue the case any further. A certified copy of the petition filed in the Court below has been placed on record by way of a supplementary affidavit. It is further submitted that over a trivial dispute between the relatives and under misconception, the case has been lodged. There is no material to suggest that the child was in any way harmed or that any ransom was demanded. The petitioner has no criminal antecedent and he is in custody since 24.11.2021.

Learned APP has opposed the prayer for bail. It is submitted that the victim was examined under Section 164 of Criminal Procedure Code wherein he has stated that he was taken in the vehicle by his ***Mausa*** along with other persons.

Having considered the rival submissions, the fact that informant has filed a petition in the Court below that he would not be pursuing the case and produce evidence at the trial as also the clean antecedent of the petitioner and the fact that the parties are relatives, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the



petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Sadar PS Case No 1035 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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