

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21977 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- DELHA District- Gaya

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Anil Bhatt @ Anil Pandit @ Anil Pandey, Son of Parmanand Bhat, R/o
Mohalla- Bageshwari, Bam Baba, P.S.- Delha, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate,
Mr. Yogesh Kumar, Advocate.
For the Opposite Party : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

8 27-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with S. Tr.

No. 318 of 2021 arising out of Delha P.S. Case No.129 of

2021, registered for the offences punishable under Sections

363, 364, 364A of the Indian Penal Code .

The prosecution case as emerges from the FIR is

that on 28.06.2021 at around 11:00 am, one Anil Pandey

took away the son of the informant/Shivam Mishra @ Banku

on the pretext of purchasing cycle and demanded ransom in

a bank account belonging to one Anita Mandal.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further refers to deposition of the informant, which has been filed on record by the petitioner, as per which, he has not supported the prosecution case against the petitioner as he had not identified the accused and he has clearly stated in his cross-examination that the alleged victim/ Shivam Kumar, when he returned home, stated that he had gone to the house of a family member. As such, there is negation of the alleged offence.

He further submits that the petitioner has been languishing in jail since 30.06.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-XV, Gaya, in connection with S. Tr. No. 318 of 2021 arising out of Delha P.S. Case No.129 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after



hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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