

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26772 of 2023

Arising Out of PS. Case No.-704 Year-2021 Thana- BIHAR District- Nalanda

Deepak Kumar S/O Sri Naresh Kumar Resident of Village- Sahokhar, P.S.-
Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate
	:	Mr. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-08-2023 Heard Mr. Ajay Kumar Thakur, learned Senior
counsel appearing on behalf of the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.10.2021 in connection with Sessions Trial No. 376 of 2022
arising out of Bihar P.S. Case No. 704 of 2021, F.I.R. dated
16.10.2021 for the offences punishable under Section 364 of the
Indian Penal Code.

3. According to prosecution case, the informant's son
was alleged to have been abducted and demand of Rs.
50,00,000/- was made.

4. Learned counsel for the petitioner submits that
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., and the name of the petitioner has been transpired only on the basis of confessional statement of the co-accused person namely Indrajeet and, thereafter, the confessional statement of the petitioner was also recorded in which he has confessed his guilt in the present occurrence and thereafter the confessional statement of one co-accused person namely Ajeet Kumar, who has also named the petitioner that the petitioner was also involved in the present case. Learned counsel for the petitioner further submits that except the confessional statement of the co-accused person and the confessional statement of the petitioner, no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely, Ajeet Kumar has been granted bail vide order dated 22.11.2022 passed in Cr. Misc. No. 39948 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.10.2021.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct specific allegation against the petitioner and C.D.R. location also suggest that the petitioner



was present at the place of the occurrence and the petitioner has also confessed his guilt in the present occurrence.

6. Vide order dated 08.08.2023, a report was called regarding the stage of the trial. Report dated 14.08.2023 of the learned trial court reveals that out of ten charge-sheet witnesses, five witnesses have been examined and the case is pending for examination for the rest of the witnesses. Learned counsel for the petitioner further submits that in view of the report of the learned trial court, trial is not likely to be concluded in near future.

7. 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 Sessions Judge, Nalanda at Bihar Sharif, in connection with Sessions Trial No. 376 of 2022 arising out of Bihar P.S. Case No. 704 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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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