

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24068 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- DEEPNAGAR District- Nalanda

SONU YADAV @ SONU KUMAR Son of Ramprit Kumar Nirala @ Ramprit
Yadav R/O Village - Patuana, P.S.- Bihar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Deepnagar P.S. Case No. 5 of 2022 registered for the offence
under Section 364A of the Indian Penal Code.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 13.09.2023.

5. The allegation against the petitioner is to kidnap the
husband of informant alongwith other co-accused persons,
where demand of Rs. 15 lacs was also raised as ransom.

6. Learned counsel appearing on behalf of the
petitioner submitted that the name of petitioner surfaced in this



case on the basis of confessional statement of co-accused, namely, Nitish Kumar @ Rockey Sonar and on the basis of suspicion arises out of confessional statement of co-accused, he was remanded from Bihar P.S. Case No. 298 of 2022, where in furtherance of no incriminating material recovered/surfaced as to connect petitioner *prima facie* with the occurrence of kidnapping. It is submitted that said co-accused, Nitish Kumar @ Rockey Sonar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 25065 of 2023 dated 22.05.2023. It is submitted that thrust of allegation as per statement of victim recorded under Section 164 of the Cr.P.C. appears against co-accused Chandan Kumar. It is submitted that petitioner not put on TIP as yet. While concluding the argument, it is submitted that petitioner found involved in four more criminal cases and suspicion out of those antecedents is also one of the reason for implication with present case, where petitioner is already on bail in two cases and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as



mentioned above and by taking note of fact as save and except suspicion arises out of confessional statement of co-accused, nothing incriminating appears against this petitioner as to connect him *prima facie* with the present occurrence of kidnapping, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.09.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Deepnagar P.S. Case No. 5 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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