

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24773 of 2022

Arising Out of PS. Case No.-581 Year-2021 Thana- GAYA MUFASIL District- Gaya

SHAILESH KUMAR @ AKSHAY @ AWADH S/o Jagdish Choudhary
Resident of Village - Khojpura, P.S. - Warsaliganj, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection
with Muffasil PS case no. 581 of 2021 instituted for the
offences punishable under Section 364(A)/34 of the Indian
Penal Code.

The allegation is regarding unknown
miscreants having kidnapped the son of the informant,
whereafter he was recovered from village Paroriya and
subsequently, his statement under Section 164 Cr.P.C. was
recorded by the learned Magistrate.

The learned Senior counsel for the petitioner
submits that the petitioner is innocent, has been falsely



implicated in the present case, he is having a clean antecedent and is languishing in custody since 06.11.2021. The learned Senior counsel for the petitioner has further submitted that neither any test identification parade has been held so as to connect the petitioner with the alleged occurrence nor there is direct evidence to implicate the petitioner in the alleged crime, however, he has been roped in the present case on the basis of call detail records pertaining to his mobile phone, from which, he had made calls one and a half months back. It is also submitted that other co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 13.01.2023, passed in Cr. Misc. no. 34448 of 2022 and order dated 18.01.2023, passed in Cr. Misc. no. 27865 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by co-ordinate Benches of this



Court apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since more than one year, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Gaya in connection with Muffasil PS case no. 581 of 2021.

(Mohit Kumar Shah, J)

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