

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29720 of 2023

Arising Out of PS. Case No.-477 Year-2022 Thana- FATEHPUR District- Gaya

MRITYUNJAY KUMAR SON OF KRISHNA NANDAN PRASAD
RESIDENT OF VILLAGE- SAIDIPUR, PO- BADI, PS- KATRISARAI,
DISTT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 14-06-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Fatehpur P.S. Case No. 477 of 2022 registered for the offences
punishable under Sections 386 of the Indian Penal Code.

As per prosecution case, a call was made from the
mobile no. 8271227942 upon the informant's mobile for
demanding ransom of Rs. 20 lakhs.

Learned counsel for the petitioner submits that
petitioner is not named in FIR. He further submits that petitioner
is apprehended alongwith other co-accused persons in the
present case. He further submits through supplementary
affidavit that he is not the holder of the mobile no. in question



which has been mentioned in FIR and the said mobile no. belongs to other person. In the light of the said fact and circumstances of the case no case is made out under Section 386 of I.P.C. though petitioner bears criminal antecedent of four cases which are filed in a routine manner in the same month from the same police station due to village rivalry. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Moreover, petitioner is in custody since 03.11.2022.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Xth, Gaya in connection with Fatehpur P.S. Case No. 477 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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